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Tuesday August 6 1991

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Le mardi 6 août 1991

Standing committee on government agencies

Agency review



Comité permanent des organismes gouvernementaux

Examen des organismes
gouvernementaux

Chair: Robert W. Runciman
Clerk: Douglas Arnott

Président : Robert W. Runciman
Greffier : Douglas Arnott

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Table of Contents

Table of Contents for proceedings reported in this issue appears at the back, together with a list of committee members and other members taking part.

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Table des matières

La table des matières des séances rapportées dans ce numéro se trouve à l'arrière de ce fascicule, ainsi qu'une liste des membres du comité et des autres députés ayant participé.

Il existe un index cumulatif des numéros précédents. Les renseignements qu'il contient sont à votre disposition par téléphone auprès des employés de l'index du Journal des débats au (416) 325-7400.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Tuesday 6 August 1991

The committee met in camera at 1330 in committee room 1.

1411

AGENCY REVIEW

Consideration of the operations of certain agencies, boards and commissions.

ONTARIO MUNICIPAL BOARD

The Chair: Come to order, please.

CONCERNED CITIZENS OF KING TOWNSHIP INC

The Chair: The first witnesses this afternoon are from the Concerned Citizens of King Township Inc. Margaret Coburn is president. Mrs Coburn, would you like to come forward, and if you have any other members of the organization who wish to testify, they could come forward as well and just take seats along here. Welcome to the committee. Would you like to identify the other members who are present here?

Mrs Coburn: Yes. We have Margaret Smithyes, who is a member of the York Region Police Services Board and the chairman of our library board; Dorothy Izzard, who is the chairman of the Oak Ridges moraine committee, STORM, which you may have heard of, and Chris Glerum, who is a long-time member of the CCKT.

The Chair: All right. We have allotted you 45 minutes, and hopefully we will have some time for questions and answers from the committee.

Mrs Coburn: Mr Chairman, we realize that the OMB process as it is applied to land use planning is one part of the whole planning process, but we believe some improvements in the Planning Act might indirectly impact on the OMB process too, and the universal existence of official plans would help. We know that some communities, including our region, do not have an official plan. I believe the government right now is trying to make this happen. We certainly support it and laud them for it. The more resolute elected officials at the local level would help too, and would make sure that the official plans were implemented firmly. All these things might decrease the need for the numbers of hearings, and I am sure that is a concern to the OMB in particular. We do suggest that all those things would help.

We were invited today to focus on the OMB process and we are happy to do so. We appreciate this opportunity to contribute to the review of the Ontario Municipal Board process, and hope our recommendations will receive favourable consideration.

We are an incorporated citizens' organization, based in King township, representing a membership of approximately 200 families. Our statement of purpose reads, "To provide

opportunities for members of the community to foster and support actions that maintain the rural character of the township and preserve its environmentally significant features, while accepting the necessity for some growth within the township and for an adequate tax base to meet the service needs of the community."

For the past 23 years we have been involved in a number of hearings related exclusively to land use matters. In the last three years we have participated in six hearings, and we have had some wins and some losses. Our executive met recently and decided that the views of our organization should be expressed to this review committee in the hope that our recommendations would help to develop a more equitable process that would ensure a sense of fairness and respect for all those who contribute. We believe the decisions of the OMB are crucial to the provision of responsible development in this province and to the best use of our available land.

We heard about this committee only accidentally. I wondered if I could ask you the process of how this was publicized, because it was very inadvertently that I even knew this process of coming here existed.

The Chair: I will respond to that after you have finished your statement.

Mrs Coburn: Okay, thanks. We have nine recommendations here, and we have put them in the form of our concern followed by the recommendation.

1. Although an enormous amount of power is given to the OMB through the Ontario Municipal Board Act, there seems to be no statement of purpose for the role of the OMB in land use planning. We do not know what objectives the board wishes to achieve with its decisions and we do not know whether the board actually has such objectives. The recommendation is that if such a statement exists, it should be made public. If it does not, it should be developed and published. It is important for us to know.

2. The criteria applied in determining the resolution of a dispute in land use planning vary significantly among chairmen. An example is the varying importance placed on the presence of professional representation for citizens at a hearing. In some instances it is made quite clear to us that if we are not represented by a professional person, our information is not very important. I have even had a lawyer pick that up and point out to the chairman that we were not represented and should not be listened to. We have had various responses to that from chairmen. With one chairman it was quite obvious that is what he thought. Another chairman actually turned that thought down and said there is no reason why citizens do have to be represented by professionals. But there is a variation there that is very difficult for citizens to respond to. Obviously there is a funding problem for citizens to appear, and I think our position would be that if in fact it is decided it is necessary

and has to be, then there should be some funding available for such representation. Our recommendation is that the content of the evidence given should be considered more important than the professional status of the witness.

A second example of serious inconsistency is the issue of the right of a property owner to do whatever he likes with his property simply because he owns it. We have had examples of that, and I have a quite glaring example I could read to you of a chairman who has really made it quite clear that if the person puts the money down, he has every right to build what he likes, and the municipality has not got a right really to prevent that happening. The next hearing you go to, a chairman will make it quite clear that if there is not a good planning principle involved, then the decision goes that way, and it is not important that just because he owns the property he does what he likes. The recommendation is that OMB members need to share a common understanding of planning issues.

3. The OMB does appear to be operating in a manner that was appropriate some years ago, before the immense development pressures that exist today. Developers appear to assume that lobbying government officials and end-running municipal councils are standard practices, and this gives them an unfair advantage over citizens who do not usually have the financial means or the access to do the same thing. Our recommendation is that guidelines should be developed that recognize the realities practised today and will encourage the participation of citizens and ensure that their evidence receives equal treatment before the Ontario Municipal Board.

1420

4. A record of proceedings at a hearing is limited to notes taken by the OMB chairman or by a second member of the OMB who may be present at the time. They are not available to the public, and in some decisions it appears to us that they have not been complete.

The proceedings of all hearings should be recorded and made available to interested members of the public upon the payment of a nominal fee. This would also free the OMB member to concentrate his or her total attention and time on the proceedings, would provide an authentic, objective record and would prevent the need to recall witnesses when lawyers present cannot agree on their recollections of statements given by witnesses. We have had an example where a witness had to be recalled because the chairman and the lawyer disagreed on what was said and so we had to recall the witness.

It seems to us unbelievable actually that these very important hearings take place and there is no record available. We did get our township to hire a recorder on the occasion of one hearing we had, but the cost for us to have done the same thing would have been something in the neighbourhood of \$10,000, because it was an individual who does recording as a business and then she sells back the copies of the minutes. I think there is another way that would be a lot more practical, a lot more fair to everybody, and we think it is a very important issue.

5. The selection of board members appears to lack uniformity or rationale, resulting in difficulties for members of the public trying to focus their evidence and to interpret

the very different responses to the information they are providing. If you are speaking to a lawyer, you seem to get a certain kind of a response to what you are saying. If you are speaking to someone whose background is planning, you get another kind of response, and they are vastly different responses. We recommend that the selection process for members should be open, and the criteria for the selection be public knowledge. There should be more commonality in their backgrounds.

6. We understand the need to protect OMB members who are coming to a hearing from lobbying, and so the need not to announce in advance who the member will be. But often, we do not know whether we have a planner, a lawyer, a farmer, or whatever; in fact, we are not even told the name of the chairman very often. I do not remember ever being told the name of a chairman when we came, but we have to go try and find out who this person is and what we know about this person: I think it would be a big help if we had a chance to have an assessment, some idea of whom it is we are talking to. The recommendation is that some background information should be made available to participants in a hearing when it starts. If this is a public process, courtesy and openness should be inherent.

7. Because the appointment period is unlimited, some members appear to show less enthusiasm and interest than others, which is perhaps related to their having been too long in the job. Our recommendation is that some criteria for the length of the term of the appointments should be put in place.

8. The power given to OMB chairmen seems to surpass that of courtroom judges, and their decisions are final. The only appeal process, other than through the courts, is to request a rehearing from the OMB itself, a process which is anything but objective, and we have experience with that. We recommend that some objective form of appeal process should be made available. When you go to court, you go before a judge, and you know that the judge is a lawyer, has a legal background, is using the same body of legal information that he is going to make his decision from, even though his interpretation may vary from judge to judge. There is a certain commonality there, and furthermore, you can appeal a decision. In this case, we seem to have neither happening.

9. The small number, usually one, of OMB members at a hearing seems to limit the scope of understanding of the issues we will receive. Our recommendation is that a minimum of three members should be present. If all OMB members assigned to land use hearings were thoroughly familiar with the field of land use planning, this recommendation might not be necessary at all. In fact, it would be ideal if that happened. But the way it is now, we feel that if you had three people, you would get a better cross-feeling for the issues.

I would like to thank you for your attention. These are all points that we feel should be considered, not just one or two of them. We hope they will help with your review.

Mr Chairman, if I were to choose one word to express the sense of frustration that has led us to come here today, it would be inconsistency in the decision-making process of the OMB. So we have tried to develop recommendations

that, if accepted, might, we believe, eliminate or at least reduce that sense of frustration because of that inconsistency. Thank you.

The Chair: Thank you very much. I want to answer the question you posed with respect to advertising or how people were notified about this hearing. There was no formal notification, no advertising as such by the committee. Hearing you today and other witnesses earlier in the year is an innovation of this committee. In the past, the committee traditionally asked an agency, board or commission of the government to appear before it, and then dealt with that.

We did not call on client groups or individual citizens or others in the community who may have concerns and may express a different point of view. To make our hearings more effective, we felt we would try that this year. This is a first step in that respect, in terms of the people we advised of these hearings, traditional client groups of the Ontario Municipal Board, plus recommendations made by our researcher and the clerk of the committee.

That is how we drew upon a number of individuals and agencies and organizations. We have heard a variety of opinions with respect to the OMB and its operations, and a significant number of recommendations as to how they can be improved upon, and we appreciate your appearing before us today. The recommendations you have suggested will indeed be carefully considered by the committee.

Mrs Coburn: I am glad that we were lucky and that we did hear about it. Thanks.

Mr McLean: I have a question. In your opening remarks, you indicated that one of the board chairmen had told somebody who owned property that he had the right to do whatever he liked with it, regardless of municipal bylaws or zoning bylaws. Is that a fact?

Mrs Coburn: Yes, I can read the quotation, if you like. He said, "No municipality in the province has the right to deny people homes in the municipality, regardless of where people come from, if private enterprise is willing and can provide such homes without doing violence to sound planning principles."

Now at this point the planner from our municipality had twice recommended that this was not a good decision, and our council had twice supported the planner's recommendations. I do not know what "violence to sound planning principles" really is, but I would say that was what took place, because our planner had certainly said it should not happen. Yet the chairman said it was perfectly all right, regardless of what the planner and the municipal council said.

Mr McLean: Providing it meets all planning principles or something?

Mrs Coburn: So that it does not do violence to sound planning principles.

Mr McLean: So he did not really say they could do whatever they liked. I think that is a very serious allegation. I just wanted to clear that up. It will be on the record now. I do not think any chairman would want to hear it said that he said people could do what they liked with their property.

The other comment I have has to do with the only appeal process that you have in item 8. There is another appeal process, and that is to cabinet. I wonder if you were

aware of that. If you are turned down for some reason, and you feel you have been unjustly treated at the hearing, you can appeal to cabinet.

Mrs Coburn: Our understanding is that there is no appeal to cabinet now. There used to be an appeal, but it is not available to us now.

1430

Mr Bradley: Perhaps a clarification could be given by Mr Pond, our research officer.

Mr Pond: Under section 94 of the Ontario Municipal Board Act, one can petition cabinet to overturn decisions made by the board under the terms of that particular statute. You are quite correct to say that under other statutes, such as the Planning Act and the Rental Housing Protection Act, there is no appeal to cabinet; but for matters arising under the Ontario Municipal Board Act, there is still a petition to cabinet. You could argue that the Planning Act is far more important than the Ontario Municipal Board Act.

Mrs Coburn: We were going by the Planning Act. We were not aware that it was different in the OMBA.

Mr Grandmaître: I have a few short questions. You have been involved citizens for the last 23 years?

Mrs Coburn: Our organization has, yes.

Mr Grandmaître: How are you funded?

Mrs Coburn: There is a \$10-a-year family membership fee.

Mr Grandmaître: What do you do in a case where you need a lawyer's advice?

Mrs Coburn: If we have a friend who is a lawyer, we make use of that. Wherever possible we represent ourselves. In some instances, local groups—some of whom are part of our organization; some are not—proceeded to hire their own lawyer, and they had a fund-raising event. We have never hired anybody until this year. In the instance of a hearing that we are particularly concerned about, we have hired a lawyer for the first time, and we will have a fund-raising project to support that. It is a principle that we are not keen on. The local residents should be able to do it, provided they do a reasonable job.

Mr Grandmaître: What about King township's official plan. Do you think it is a good plan?

Mrs Coburn: The King township official plan is in the process of review. It is about 17 years old and has been in the process of review for the last couple of years. So obviously they are looking to make some changes.

Mr Grandmaître: It is like the OMB, it needs to be revamped.

Mrs Coburn: Yes, it needs to be revamped, and quickly.

Mr Grandmaître: Going back to official plans, my past experience has been that most of the appeals to the OMB have been because of the lack of clarity of an official plan, and the lack of consultation with the general public about the official plan. That is why people object or appeal to the OMB. But if most municipalities or townships were to review their official plans every five years, as they are

supposed to, do you think we could eliminate a lot of those appeals?

Mrs Coburn: If they had a regular review process?

Mr Grandmaître: Yes, municipalities in Ontario are supposed to review their official plans every five years.

Mrs Coburn: I think that is the kind of thing I mentioned in the beginning. The planning process itself, which includes that whole aspect of official plan development within the municipalities, if it were stronger, it would certainly help.

Mr Grandmaître: But I think 839 municipalities have a responsibility to review. How come you have not gone after your own council?

Mrs Coburn: We have. We have been going after them for a number of years.

Mr Grandmaître: Twenty-three years? There is an election in November.

Mrs Coburn: Yes. We hope that will help.

Mr Grandmaître: One last question on your number 7 concern. How long should appointments be? At the present time, it is for ever. How long should they be? Three years, six years, nine years, 10 years?

Mrs Coburn: I could perhaps name a figure, but I have the feeling that we are here to tell you that we think something should be done. We are not here to tell you we are the experts and know exactly what should be done. I think we feel there should be a limit to the length of time they are there, and we are certainly willing to get involved in some dialogue with you as to what that should be.

I think the decision should be made that way, rather than me saying it should be six years or nine years or whatever. I would need to be a little closer to it. But we do believe there should be a limit.

Mr Grandmaître: It should not be like the Senate; it should not be for life.

Mr Wiseman: I would like to pursue your opening comments about official plans. My view of official plans is that they are not really worth a whole lot, once they get before a council that has a certain philosophical approach to land use. If we do try to make official plans become the guideline for how a community should grow, how hard and fast should those guidelines be, and can you give us any idea of what the criteria should be within those guidelines?

Mrs Coburn: I am going to ask if anyone else would like to give you an answer. What I have said I stand by, but I have not made a study of how the official plan should be improved. In answer to the first part of your question, I certainly think it should be firm; it should be strong because, where money is concerned, there is a great deal of pressure that has to be resisted by municipal councils, and I think the strength of the official plan helps them.

Mrs Smithyes: I do not think an official plan is really a guideline. I think it is more than a guideline. I think it is more like legislation of "Thou shalt," and if there is something that needs to be amended, then you go through the amendment process. I view an official plan not just as a guideline; I view the official plan as more than that.

Mr Wiseman: Would you say that if an official plan has an open space, a corridor, in it and it has been in the official plan for a long time, the council should be able to say to the person who bought property there: "No, you can't do anything there. That is green space, that is open space. It has been that way for a long time, and that is the way it is going to be, and you bought the land knowing that"? Should they have the right to say that?

Mrs Smithyes: I think they should have the right to say that, and especially, as Mr Grandmaître suggested, there should be a review process every five years. I think that helps the citizens and the people buying the property to know exactly where they stand.

Mr Wiseman: You used the phrase, "best use available of the land." One of the interesting notions we have is that when people look out on a field, they say it is undeveloped. It is empty. There is nothing there. It may well be high with corn or some other kind of agricultural product but, according to some people, it is empty land; it needs to be developed. Would you include within your suggestions for the Ontario Municipal Board that it starts broadening the criteria about land use?

Mrs Coburn: In the context of what you have just said? You mean, to look at things like agricultural prospects and things like that? I most certainly do.

Mr Wiseman: I just wanted to be absolutely clear on that.

I want to make a comment—you alluded to it earlier—about some people having bought the property and being able to do whatever they want with it. Would you agree that it may be private ownership, but there is a public heritage responsibility to managing that land?

Mrs Coburn: Yes, I would.

Mr Wiseman: Is this missing from what we are doing now?

Mrs Coburn: It may depend on the decision-maker. I would say it is probably not missing exactly, I do not think it is being adhered to as often as it should be. I do not think it is up front and centre, where it should be.

Mr Wiseman: The Preservation of Agricultural Lands Society, which made a presentation before this committee, would suggest to you that the disappearance of our class 1 and 2 and, in some cases, class 3 agricultural lands is really an insult to the future and that we should be taking greater care of our agricultural heritage. They were quite adamant in their claim that not one single acre of prime agricultural land should be used for anything but agricultural purposes. How do you feel about a comment like that?

1440

Mrs Coburn: I presume you would have to weigh it, but I would put a pretty strong importance on it. I think that is valid. We only have so much prime land. There is going to come a time—and it is not very far off, I think—when we are really going to be wondering whether we have enough prime land at all. We should be very mindful of it. We should be protective of it. Furthermore, I think agricultural products are worth an awful lot more money

than they are getting. The whole agricultural industry needs a boost.

Mr Wiseman: They suggested when they were here that the Ontario Municipal Board does have a mandate to pursue the protection of agricultural land as it exists now but is not exercising that mandate to the degree it should. They would concur with your comments about consistency and the lack of it on the municipal board with respect to the protection of agricultural land, so it is interesting to hear your comments about that. Have you had any experience that you could share with us where the Ontario Municipal Board maybe should have been more aware of the rules that should have been guiding it?

Mrs Coburn: In terms of agricultural land?

Mr Wiseman: Yes.

Mrs Coburn: Many of the issues that we have had where we have been basically environmental issues.

Interjection.

Mrs Coburn: Yes, that is right. We do not have a great deal of class 1 agricultural land. That is true. A lot of it is lower down, class 3 to 6.

Mrs Smithyes: It depends on the farming practices just how valuable the land is. I happen to be the operator of a 17-acre dwarf apple tree orchard. We happen to make a profit. Seventeen acres does not seem like very much, especially on class 3 and 4 land on the Oak Ridges moraine. However, the trees have been there for 40 years and it is the oldest commercial orchard on the continent. Everybody will point to that as a very successful apple operation, or agricultural operation.

However, if you were to apply only the criterion of class of land, that particular piece of land would be allowed to be built upon, except for the fact that it is on the Oak Ridges moraine and there are other rules and other issues. So the farming practices and the willingness of the operator to do what he has to do has a lot to do with the viability of the farm. It is very difficult to put that into land use rules. I do not know how you do, because it is also a matter of economics.

Mr Wiseman: The reason I am trying to pursue the agricultural is because my riding has a large component of agricultural land which is in danger of being absorbed. I agree with a lot of what you are saying in terms of protecting agricultural land and I have a great deal of difficulty coming to grips with the decision-making process that continuously allows environmental considerations to be ignored and agricultural considerations to be ignored, so I am sympathizing with you in terms of your approach there.

The other thing that really bothers me about some of the process is the argument that is consistently made that if we develop and put up houses and factories, this is going to give you a broader tax base. Quite frankly, my taxes have been going out of sight on my land, and the development in the area that I represent, which is Ajax and Pickering, has quadrupled in the last six years. If that is the case, I should not be paying very many taxes at all, should I?

Mrs Coburn: That is right, and we support that point you have made. We are still trying to find a municipality

that actually has followed through and can tell you, "Yes, we did increase our development and we now have lower tax rates." It is an argument that has been made for a long time and I have yet to find a community that can actually show me it has happened.

Mr Bradley: In the concerns you express and the recommendations you make is the suggestion—it is not stated there—that the cost of running the government would be increased. I guess the question all of us have to ask now as political representatives is, are you prepared to pay higher taxes to achieve your recommendations? For instance, with regard to intervenor funding, the present Treasurer, as I am sure past treasurers have, will look at the prospect of intervenor funding for the Ontario Municipal Board and roll his eyes at the potential cost. I think that is generic with treasurers, but he will do that. There are other recommendations, such as the provision of transcripts and so on, all of which suggest higher costs.

The reason I ask that is that for years people like me, as politicians, have been recommending a lot of the things you are recommending. When I knock on the door, the person will say to me, "You should do this, you should do this, you should do this." That is all after the first sentence, which was, "Why the heck are my taxes so high and when are you going to cut them?" Are you prepared to pay higher taxes for a better quality of service, which I think is implicit in what you are suggesting?

Mrs Coburn: That is a decision, I realize, that you have to make, as to where the money is going to go. We are saying this is a very important part of the process and we have said the idea of having a transcript should be cost-shared. We would not feel that was the least bit unreasonable. With regard to the idea of having additional people, we have also said that if in fact all the people and the chairmen there were as solidly based and informed and there was a commonality about their approach, the additional people might indeed not be necessary. I guess there is a choice there. If not, we feel the best part of the process would be to have three people there to get a better decision. We think this decision is very important to this process.

Mr Bradley: Again, something else flows out of the questions of Mr Wiseman. If you ask most people in this province, particularly those of us who are urban dwellers, "Would you like to save the agricultural land?" my hand goes up first and I say, "Yes, I want to save the agricultural land." With the second question, "Are you prepared to pay more for your food or are you prepared to pay subsidies of some kind to keep the farmers down on the farm?" it starts to melt away a little bit. How do we resolve that dilemma? How do we resolve the dilemma of Canadians not wanting to pay more for their very cheap food? As you have pointed out, food is underpriced.

Mrs Coburn: I am glad I do not have to make that decision myself. Personally, I think the price we pay for the farmer's product is grossly under. We buy a box of cornflakes and cheerfully pay \$3, or whatever we pay, for absolutely nothing and then we get an absolutely delicious cauliflower or something and we complain because it is \$1 instead of 90 cents.

Mrs Smithyes: I would just like to say as a farmer that the farmers would far rather have a proper price for their product than have subsidies, whatever a proper price is.

Mr Bradley: I would concur with that and say it is much harder to deliver higher-priced food than it is a subsidy.

Mrs Smithyes: Imports play a big part in the price of food. They are producing food in other places using pesticides, which we are not allowed to use here. We import those foods into this country, people eat them and they have not died.

Mr Bradley: You are right there.

Mr B. Ward: You related in your presentation—and I thank you for it—the fact that for the first time in 23 years you felt compelled to hire a lawyer to give your presentation before the OMB. Could you perhaps expand on why you felt the need to hire a lawyer at this time? Do you see this as a trend for the future, and if so, why?

Mrs Coburn: We did not hire him to present before the OMB. We went before the OMB and were quite shocked at the fact that nothing we said seemed to be of any interest whatsoever to the chairman. He referred to us twice as being unrepresented by counsel and it appeared to us that maybe that was our mistake, that in his particular case we should have had a lawyer there. Then we decided to follow other channels to try to have the decision reheard and we did decide to hire a lawyer to try to help us out, because we felt strongly that this was a wrong decision. So far, he has not succeeded.

1450

Mr B. Ward: So you do not see this as being a trend where citizens' groups or individuals feel the need for legal representation?

Mrs Coburn: I have it said to me by citizens, "There's no point if you don't hire somebody; you are not going to get anywhere." I know of a hearing that is coming up fairly shortly where they are holding a fund-raising event to try to raise \$30,000.

Mr B. Ward: Why do you think that is?

Mrs Coburn: Because they think that is the way they are going to win. Certainly some OMB chairmen are not going to be particularly interested unless you are represented.

Mr B. Ward: With the so-called average person, as you say, they would be more impressed.

Mrs Coburn: We have won cases without. We won them. We are not particularly unusual people. I think we happened to be lucky. There are some OMB chairmen we feel are reasonable and open and will listen to whatever they hear, and that is what we think should happen. Right now, it appears as if people feel they have to get representation, and they obviously are doing it.

Mr B. Ward: So it is a growing perception is it?

Mrs Coburn: Yes. I think it is sad, because there are a lot of people who have very real concerns. Normally, we have encouraged groups in our area which were very nervous of going before the OMB. With encouragement, they will go and they do a marvellous job. But you have to make sure

the person on the other side of the bench is willing to listen and recognize that he is hearing something worth while.

Mrs Glerum: If I may add something to that, when we talk about the process of the whole OMB, the way the hearings are held and the qualifications for the people who are the members of the board, who are chairing those hearings, if we had tighter guidelines, or maybe one could say job descriptions, for prospective members of the board, as well as, for example, more direction in the way—there was mention of environmental matters and agricultural land preservation, etc. If there were closer guidelines as to the use of these guidelines by the chairmen when they are hearing a question, and also, for example, the choice of a particular member to hear a matter, say in an urban environment versus a rural environment, who makes the decision, who will hear that particular matter.

If you would have a person hearing the urban question who understands the urban environment, you are bound to get a fairer hearing than with a person who really speaks only from the rural and has very little urban experience. The other way around is something we have observed over the years. With an exception in mind which was a great hearing, many times we have come across people who really do not understand the rural condition and who determine and look at matters from a totally urban point of view. This goes back to some of the other things that were mentioned before, such as when you get people expressing their feelings as to how they feel their environment should be, they are ignored. This comes back also to whether one is represented or not by legal counsel. It is an interplay and many times it has caused great frustrations.

Mrs Coburn: I think that is balanced, the urban background with an urban issue and the rural with the rural. It does not seem to be recognized.

Mrs Glerum: Actually, if there were tighter guidelines which also included the way plans have to be put together, there would be less need for an institution like the OMB. You would have fewer hearings, you would cut your costs and there would be a lot less acrimony in the whole system.

Mr Villeneuve: It is always interesting. I am sure everyone in the room would raise his hand to say, yes, I am willing to pay more for food, yet when you go to the supermarket it is always too expensive. Our marketing boards, which are working quite well in Ontario, are now under attack by consumer groups. It is a double-edged sword. People say one thing in one instance; however, when it comes to digging into their pocket for money, it turns out differently.

It is great to preserve this farm land, and I am certainly all for it. However, the people who own it have to make a living. It was interesting to hear the lady on the end speaking of her 17-acre apple orchard. I have many people in the riding I represent who are apple growers. They suffered a major loss back in 1981, and they are still recovering from that. If you are making a profit I congratulate you, because not many people are.

In this day and age a tipping fee for garbage is over \$100 a ton. You cannot get that for a ton of barley, a ton of

oats or a ton of corn. It does not make a lot of sense. It is real easy for us to say, yup, we are going to save all this great farm land. However, the people who own it are going down the pipe. That is the other side of it.

I am sure you were referring to Alar a while ago and other chemicals that—

Mrs Smithyes: I did not say a word, but you are right.

Mr Villeneuve: —are on the produce that we import from wherever, yet our farmers, efficient as they are, are not allowed to use the chemical. There is a real dilemma here. I thank you for making the presentation and for having, I think, a balanced representation. I am pleased to see that you have some agricultural producers on your group and you represent the broad spectrum.

Would you like to categorize the cases and also orient the different OMB chairpersons towards these categories? I think you were coming close to saying that without saying it. Would you like to see that?

Mrs Coburn: You mean having somebody who is a rural person as a specialist in a rural sitting?

Mr Villeneuve: Instead of coming off the top and handing it to whoever is next.

Mrs Coburn: It would absolutely be a plus. I am sure it would be a plus to do that.

Mr McLean: If you ask the chairman that question, I think he will say, "I try to do that all the time."

Mr Villeneuve: That may be, but it is an unwritten rule.

The Chair: Thank you very much, Mrs Coburn, and other members of your group. We appreciate your appearance here today.

1500

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

The Chair: The next group is the Canadian Environmental Law Association, Richard Lindgren. Mr Lindgren, welcome to the committee. Do you have other members of the association here with you today?

Mr Lindgren: I am flying solo today. Good afternoon, Mr Chairman and members of the committee. I am a staff lawyer with the Canadian Environmental Law Association. As some of you know, we are a legal aid clinic funded under the Ontario legal aid plan, and we represent both private citizens and citizens' groups in matters relating to environmental law. Towards that end, we appear in the courts and before administrative tribunals on issues involving environmental protection or resource conservation.

Over the years, CELA lawyers, including myself, have had the opportunity to appear before the OMB on a variety of matters, most of which occur under the Planning Act. That is where most of my comments will be coming from; namely, our experience with the planning process as the process plays itself out before the OMB.

As I indicated in the brief I filed last winter, we always represent intervenors, so I think we have a bit different perspective on how well or how poorly the OMB is doing its job.

I personally have had the opportunity of appearing before the OMB in a variety of settings ranging from council chambers to hockey arenas and community halls, and that experience has certainly given me a great deal of respect for OMB members. I think they work very hard. There is a lot of travelling involved, often they do not seem to have adequate resources or staffing to assist them in the job we ask them to do and, more often than not, they are involved in tackling some very thorny, very controversial issues relating to protection of the environment.

The point I really would like to start off with is that I am not here to criticize the OMB, I am not here to second-guess OMB decisions, and I am certainly not here to point fingers at individual OMB members. What I would like to do is highlight some of the recommendations that are contained in the CELA brief, and I am doing that with a view to promoting some discussion on the need for some reforms to the OMB hearing process.

I understand from the clerk that my executive summary has been circulated to the members of the committee. Probably that is the only document you need to refer to as I go through my submissions. It is a three-page document, with a one-page press release and a two-page executive summary. On the executive summary you will see listed seven reform items that CELA would like to see implemented as soon as possible. I will go through them very quickly and then discuss each of them in a little detail.

The first recommendation we make is that the intervenor funding legislation must be extended to the OMB as soon as possible.

The second recommendation is that the OMB cost guidelines must be substantially improved and liberalized.

The third recommendation is that a comprehensive professional development program must be initiated at the board, particularly in matters involving environmental protection and resource conservation.

Recommendation 4 would require an improvement of OMB case management and management techniques.

Recommendation 5 indicates that where the subject matter of an OMB hearing is subject to a designation request under the Environmental Assessment Act, then no OMB hearing should be held or scheduled until the Minister of the Environment has had an opportunity to make a decision on the designation request.

The sixth recommendation is that the OMB be empowered to impose comprehensive environmental monitoring conditions and, second, that the board be empowered to require restoration of the environment where land has been destroyed or bulldozed without OMB approval.

The final recommendation on the executive summary is that the provincial government must reform the overall planning process to ensure that integrated ecosystem-based planning is carried out at all levels in this province.

Since I wrote the brief, I have had an opportunity to reflect further, and there are two additional recommendations I would like to make at this time. They are not contained in the brief or in the executive summary; I think I can deal with them fairly shortly.

The first is that there needs to be a reform of the OMB standing rules. As some of the members of this committee

may know, unincorporated organizations cannot initiate an appeal to the OMB. We think that needs to be changed.

The second additional recommendation I would make is that there is a need to broaden and expand the membership of the OMB. That is not a particularly novel or controversial recommendation either. I think it needs to be done. I know the OMB is undertaking some efforts in terms of expanding the membership of the OMB, and we certainly would commend them for doing so.

As I have indicated in my brief, the fundamental premise of CELA is that all citizens who are interested in or affected by the subject matter of an OMB hearing must be given a meaningful opportunity to appear and be heard at the OMB hearing. I ask you to keep that statement in mind as I go through some of my recommendations, because I believe that should be the driving principle at the OMB. I believe that a number of the recommendations we make will in fact assist in the achievement of that objective, which is to maximize public participation at the OMB.

As the committee has undoubtedly heard, the OMB currently has jurisdiction under 100 or so statutes, and a number of those statutes create public hearing opportunities. But what good is that right to a hearing when, for example, the public interest group does not have the adequate resources to participate at the same level as proponents or municipalities? What good is the right to a hearing when it takes over a year to get an OMB hearing and in the meantime a developer, for example, might have already gone ahead and bulldozed the land that is subject to the OMB hearing? These things happen and they continue to happen. They are very urgent problems, and they are problems that have to be addressed by the OMB and by the Legislature.

I could offer the committee a number of concrete examples of some of these problems. I will not do so. Instead, I will focus on just one case, because I think it illustrates some of the problems that need to be addressed, and it certainly helps underline the need for some of the reforms CELA is advocating.

The case I will be referring to from time to time is the Constance Creek wetlands case, which some of you, I am sure, are familiar with. It is an OMB decision that was released last summer. It involved a class 1 wetland near Ottawa that was bulldozed without rezoning approval. After the wetland had been dredged and filled and bulldozed, then the developer applied for rezoning approval and got it. The matter was appealed to the OMB, and I was retained by the local citizens' group to act on its behalf. We were successful before the OMB. The OMB quashed the bylaw in question, but for a variety of reasons the golf course was built anyway. It is probably being used today, if it is sunny up in Ottawa.

I am going to be referring to that case to illustrate some of the points I want to make. With that introduction, I would like to return to my first recommendation, which is the need to extend intervenor funding to the OMB. I am sure everyone in this room knows that the current intervenor funding legislation does not apply to the OMB. CELA and a number of other groups have very strongly recommended that the OMB be made subject to that act. We say this because public interest interventions are important,

they are valuable and they should be encouraged, because intervenors can often present evidence and opinions that otherwise will not be heard by the OMB. As well, public interest intervenors can test the evidence of municipalities and proponents who appear before the board. Finally, public interest interventions are important because they help enhance the credibility of the decision that is made, and it enhances the accountability of the OMB by having the public interest intervenors there and being heard.

However, the ability of many public interest intervenors to appear is hampered by their lack of financial resources. That comes as no great surprise. The bottom line is that you need money to retain counsel or to retain the expertise that is necessary to present a full and effective case to the OMB. This is to be contrasted with the position of municipalities and proponents who, of course, have more than adequate resources to hire the lawyers and the consultants and the expert witnesses who are all going to appear at the OMB. This can have the effect of turning the hearing into a very much one-sided affair, and I think that is to be avoided.

Let me illustrate this by referring to the Constance Creek case. There we determined that in order to present an effective case we had to retain an expert in wetlands ecology, an expert in wetlands loss in Ontario, an expert in the effects of pesticides on wildlife, an expert in the impact of herbicides and nutrients on wetlands. We needed a land-use planner and various other forms of expertise. Fortunately for us, the experts we contacted recognized the importance of the case and offered their services on either a pro bono basis or at a much reduced fee. We were quite fortunate to find these individuals, because if we did not, that evidence never would have been called before the board, and it certainly would not have helped the board reach the decision that it did.

1510

Public interest groups should not have to rely upon the goodwill of experts. They should not have to go to the experts with hats in hand and request on bended knee that they appear at the hearing on their behalf. This is a totally unacceptable situation, and if it is permitted to continue I have no doubt that it is going to inhibit the quality and quantity of public interest interventions before the board. That is the primary reason why we say intervenor funding must be made available in Ontario Municipal Board proceedings.

We are not advocating that intervenor funding be made available in all OMB hearings. That is unrealistic and not necessary. But certainly the lengthy, technical and complex hearings the board occasionally adjudicates under the Planning Act or the Aggregate Resources Act are the kinds of cases where intervenor funding is absolutely essential and must be provided to eligible intervenors.

That brings me to my second recommendation. It is a related recommendation, having to do with costs and the OMB. If you have read my brief, and if you have read, in particular, appendix B to the brief, you will know that the Canadian Environmental Law Association has had a long history challenging the board to improve its cost practices.

As committee members know, the board does have the power, under section 96 of the Ontario Municipal Board

Act, to award costs, but the problem is, they generally do not award costs to public interest groups. It is well established that the board will not award costs against public interest groups unless their intervention has been found to be frivolous or vexatious, a regular test. I think that is a good thing, because the board should not discourage people from coming forward with the threat of an adverse costs award. So we certainly support the board's practice of not awarding costs against public interest groups, although I am aware that there have been certain notable exceptions to that practice.

At the same time, the board has consistently refused to award costs to public interest groups at the conclusion of hearings. I think that also serves to scare off public interest groups and it certainly limits their ability to present a case. I have talked to a number of public interest groups who simply will refuse to go to the OMB because they do not want to incur significant out-of-pocket expenses that will not be reimbursed by an OMB cost order. It is a real problem, and it is serving as a real deterrent to public participation before the OMB.

That is why we have advocated that the OMB review its existing cost guidelines with a view to improving them and making costs routinely available to public interest intervenors, where the intervenors have acted responsibly and have contributed to a better understanding of the issues by the board. I think the board should only deny costs to public interest intervenors where the intervention has been frivolous or vexatious, and I have to imagine that is going to be a rare situation indeed.

That reform itself will certainly assist groups like my clients in the Constance Creek case. Notwithstanding the fact that a number of the experts donated their time, my clients still incurred a very sizeable bill that took them a long time to pay off, and they had to do so with well-known strategies like bake sales. They sold Christmas trees and performed other services and sold other products in order to raise the money. Again, I do not think it should be that way. If we are serious about having the public participate before the board, we should be ensuring that they get reimbursed for their contributions.

That is all I intend to say on costs. I think costs and intervenor funding are the two most critical issues facing the board today, and I certainly think some of the reforms are long overdue in respect of those two issues.

Moving very quickly to the third recommendation, the need for training and professional development of OMB members: I have to say that CELA lawyers have generally appeared before OMB members who have been quite knowledgeable about environmental issues, and that really comes as no surprise, because the OMB has been hearing matters involving environmental issues for a number of years.

Having said that, I have talked with a number of public interest groups who have appeared before the OMB, and they have encountered OMB members whose environmental sensitivity or knowledge or interest has been questionable, at best. I have to say this is a very widespread concern. It is held by a number of groups that have appeared before the board and there may be some legitimacy to the concern. It

is a concern that can be easily addressed, I say, through a comprehensive training program for OMB members.

There are a lot of good things going on right now in terms of environmental planning. A lot of work is being done in terms of cumulative impact assessment, ecosystem-based planning and landscaped level planning and management. These are the kinds of developments that OMB members should be kept abreast of. I think a training program would certainly go a long way in securing that level of understanding.

The fourth recommendation is that OMB case management be improved. My only real comment here is that it is a good thing the Askov decision does not apply to the OMB, otherwise we would be in a lot of trouble. It is taking far too long to get a hearing. The primary reason, as I understand it, is that the OMB's workload is increasing, but at the same time its resources and its budget have not similarly increased. I think that can be addressed through additional part-time and full-time appointments. It can be addressed through the provision of more resources to the OMB—

Mr Bradley: Have you been talking to Mr Kruger?

Mr Lindgren: I have been talking to Mr Kruger. *Ipsa facto*, though, after I put in the brief.

The other matters I would like to touch on in terms of case management have to do with setting of dates, scheduling of hearings and prehearing procedures. The first point I would like to make is that I think it is incumbent on the board to schedule matters with full consultation with the affected parties. Far too often I have been presented with dates that I cannot make or my witnesses cannot make, or in fact that my clients cannot make. It seems to be the perception that OMB staff is more willing to accommodate the scheduling requirements or wishes of proponents of municipalities rather than public interest intervenors. I think that can be easily addressed by just a phone call, or a requirement that all parties be notified in writing as to potential hearing dates.

The other scheduling matter is that the board needs to set realistic hearing times at first instance. I have been involved in a number of hearings which, for one reason or another, go beyond the expected time length, and then there is a huge time lag between the end of the first phase of the hearing and the continuation several months later. That can be a problem, because quite frankly, there is a witness availability problem. There is a problem in the sense that there are no transcripts, so it is hard to remember the evidence, to remember the testimony. We need to be setting aside realistic time frames for these hearings up front.

The only other comment on case management is that I would certainly encourage the board to go further, in terms of its prehearing mechanisms, to sculpt the issues, to attempt to settle the matters without a hearing, if that is possible; and we certainly would encourage the board to further explore alternative dispute resolution.

Recommendation 5 is that there needs to be improved co-ordination between the OMB and the environmental assessment process. I have been involved in a number of hearings where, very early in the process, my clients have made a designation request to the Minister of the

Environment; nothing happens with the request; the OMB hearing gets scheduled in any event; we bring a request for an adjournment to allow the minister to make a decision; invariably the request for the adjournment is turned down; the OMB hearing goes on, and that can present very serious and intractable problems, particularly if there is going to be designation, because quite frankly, there is a possibility of getting conflicting decisions between the various decision-makers. That is why I think we are making a very sensible and reasonable request here, and that is, that no OMB hearings should be held or scheduled until there is a designation decision.

Recommendation 6: We would like the OMB to be specifically empowered to impose comprehensive environmental monitoring programs and require restoration of the environment in appropriate cases. Again, this is a matter I have had an opportunity to discuss with Mr Kruger. I might stand to be corrected on this, but his view appears to be that the board is constrained by its legislation in terms of imposing comprehensive environmental monitoring conditions. He may be right, because section 34 of the Planning Act, for example, is completely silent on the matter of monitoring; so is the Ontario Municipal Board Act, for that matter. For that reason we say fine, if the legislative authority is not there, let's give it to them because it is important for the board to impose adequate compliance monitoring and effects monitoring programs, particularly on the big developments and the big issues where environmental problems can be anticipated.

1520

With respect to environmental restoration, let me just say that I find it personally quite outrageous that a developer can go in and destroy an environmentally significant area on his own property and then apply for rezoning. I think that is obscene. I think that needs to be stopped with a legislative amendment that prohibits that kind of activity. The bottom line is, unless that clearing of the land or grading of the land involves public land or fisheries habitat, there appears to be nothing that can be done to stop that kind of activity because clearing and construction does not appear to be a use that can be regulated by municipalities. As I mentioned at the outset, that is precisely what happened in the Constance Creek case. I think we need to close that loophole immediately. I will go very quickly through this.

Recommendation 7: I think it is important to recognize that the OMB is just one actor in the land use planning process. It is certainly an important actor, but it only carries out its role in the context of the larger planning and approvals process, and to a very large degree the quality of OMB decisions are dependent upon the quality of the land use planning process and the quality of the statutes governing the process. So, for example, if the Planning Act does not require a comprehensive analysis of alternatives, then quite frankly, you cannot fault the OMB for not looking at those issues, because the Planning Act does not require it. That is why we say OMB reform cannot be divorced from the larger picture. It is incumbent on this government to review and reform the existing land use planning process itself, and perhaps the recently appointed Sewell commission

on land use will have all the answers, who knows? But in any event, it is certainly a priority issue and it is one this government has to be addressing as soon as possible.

Of the two final recommendations I have made, the first is that unincorporated groups must be given standing to initiate appeals to the OMB. Quite frankly, if a public interest group has a legitimate concern about a proposed development, then it makes not one iota of difference if the ratepayers' group is called Ratepayers' Group or Ratepayers' Group Inc. These people should be given the standing, under the various OMB-administered statutes, to initiate appeals. It makes no sense to exclude those persons, particularly when the issue of standing is being relaxed in other tribunals and in the courts.

The final recommendation we have made is that OMB membership should be considerably broadened to include a number of other professions, a number of other people, to reflect the diversity and the multicultural nature of Ontario society. I know the OMB has been making some recent efforts at attracting some other people to the OMB, and I would certainly encourage the board to go further with that.

In conclusion, I would like to thank the committee for this opportunity to address it on this very important issue. We strongly believe that it is necessary to enhance public participation before the OMB, and we would certainly recommend that the OMB undertake the various reforms we have outlined in our brief.

Mr McLean: I guess intervenor funding would allow individuals or groups to be able to hire a legal person to help them, would it?

Mr Lindgren: Legal fees are an eligible disbursement under the Intervenor Funding Project Act as it exists now. That is correct.

Mr McLean: Then we would end up with all lawyers on the board. We would have lawyers on both sides. We would have a kangaroo court fighting a case that the OMB is not totally set up to do in the first place.

Mr Lindgren: With respect to your second comment, I could not agree more that the OMB should not be exclusively populated with lawyers. Unfortunately, I believe that does represent the largest profession on the board right now, followed closely by planners and then by engineers. I think we certainly need to broaden the membership.

If I could pick up on a comment that was made by the previous group; the group representative was asked whether they think it is useful or desirable to have a lawyer appear on their behalf at OMB hearings. I get asked the same question all the time from members of the public, and my advice has always been no, it is not absolutely necessary in all cases because some groups can do very well and succeed before the board. But having said that, we are absolutely swamped at CELA with requests for representation at OMB hearings. Increasingly the hearings are getting complex; they are getting technical. You need, unfortunately, professional assistance to sift through the documentation and to level the playing field.

Mr McLean: I think that is just where we are all going wrong in this whole important issue. I have watched this process for some 30 years, and I always found that it

worked very well. I have advised people in my community who want to have a hearing before the OMB that you do not need a lawyer; you go; those people are there; common sense prevails. What I am getting from people now is that they have to have a legal person; they think there should be somebody legally there to represent them. I think that is wrong. That is not what the OMB was set up for. I thought it was set up so that I or an individual could go and state my case because I thought I was unduly treated in some form, and that is what they are going to base their decision on. I think that we are getting away from it.

I have another question, and it has to do with the comments you made with regard to the bulldozer in the swamp. I had the very same thing happen in a municipality that I represent. Those people came to me, we went to the Ministry of Natural Resources, went to the Environment, we took them to court. The guy has to move the road out of the swamp and we did not have to have lawyers to do it. It is interesting how some win and some lose. That did not have to go to the OMB; it simply went to the court. There are many cases that we can relate to. Whether some of them are frivolous or not, it is all important to the environment. So I guess it does not matter where you are; we all have individual cases. The one that I am referring to is one in the municipality of the township of Oro that had that very problem.

On intervenor funding, would \$30,000 be an average amount that would be given out now?

Mr Lindgren: I am not sure I referred to the figure of \$30,000, and I am not sure where you are getting that figure.

Mr McLean: On page 5 of the report you had.

Mr Lindgren: Oh, you are looking at the intervenor funding brief that I submitted on behalf of CELA some years ago. That is right. That used to be the maximum that was made available by the order-in-council intervenor funding program that we used to have in this province. Under the intervenor funding legislation that is now in effect, the Environmental Assessment Board has been awarding intervenor funding in amounts much larger than that. In the Ontario Waste Management Corp hearing and in the Hydro hearing, I believe intervenor funding in the amounts of several hundred thousand to millions of dollars have been allocated under the legislation.

Mr Wessenger: Mr Lindgren, I assume you have also had experience with respect to appearing before the Environmental Assessment Board.

Mr Lindgren: Yes.

Mr Wessenger: I am wondering if you could indicate to the committee how you would compare the operation of both boards with respect to the efficiency of operation.

Mr Lindgren: That is a tough question to answer because I am not privy to the administrative mechanics of either board, and I am not really in a position to comment as to how efficient the Environmental Assessment Board is vis-à-vis the OMB. In defence of the OMB, I think it is important to point out that the OMB has a lot more work to do because it administers a lot more statutes. So it is hard from my perspective to say whether the EAB is performing better or worse than the OMB.

Mr Wessenger: What I was particularly concerned about is that it has been stated that the procedures at the OMB are more efficient with respect to submissions and evidence than they are at the Environmental Assessment Board. I wonder if there is any validity to that statement.

Mr Lindgren: I think that is true, because the Environmental Assessment Board is now hearing some very lengthy matters. Some of the hearings are going on for a matter of years. In an attempt to streamline the hearing process the Environmental Assessment Board is attempting to undertake various pre-hearing procedures to try and shorten the hearing process if possible. The Environmental Assessment Board is trying to use things like statements of issue between the parties. It is using pre-filed evidence. It is using a variety of techniques and devices to streamline the process. Those things have not been used to a great extent by the OMB, and those are the kinds of devices that I think the OMB should be looking at if it is serious about expediting the hearing process and shortening the hearings, because some of the OMB hearings can go on for quite a long time, as well. There was an aggregate case that went on for months and months and months, as some of you are probably aware.

1530

Mr Wessenger: It has also been suggested by some, in view of the number of joint board hearings, that consideration perhaps should be given to consolidating the OMB and the Environmental Assessment Board in one board. How would you feel about that?

Mr Lindgren: I have heard the comments made that there is a need to merge the two boards and the two statutes, namely the Planning Act and the Environmental Assessment Act. I do not believe CELA has actually taken a position on that, although I know we are inclined not to favour such a merger. I think there is a need to maintain separate and distinct planning processes because, quite frankly, some things requiring the Planning Act process do not require the full-blown environmental assessment that is required by the Environmental Assessment Act. We would certainly support a continuation of separate planning processes, provided there is an ability to use the Environmental Assessment Act and the environmental assessment process in appropriate cases to deal with proposed development that otherwise would only be approved under the Planning Act.

Mr Wessenger: You have also indicated you feel the need to broaden the criteria for appointment to the OMB. Do you have any suggestions as to what the criteria should be for appointment to the OMB, aside from the fact of making it more representative of the community?

Mr Lindgren: From my perspective, I think there need to be more women on the board. There certainly have to be more people with environmental backgrounds or interest, and there certainly need to be more visible minorities on the OMB. Aside from that, I cannot give you a checklist of the precise qualifications an OMB member should bring to the board.

Mr Wessenger: Would you agree that many of the issues before the board would be quite complex issues and would require the ability to understand that complexity?

Mr Lindgren: It depends on the statute you are talking about. I would say yes if you are dealing with Planning Act appeals or matters under the Aggregate Resources Act, but even some of those matters are not too complicated. The OMB hears a lot of different things, ranging from assessment appeals to appeals of minor variances which are granted by local committees of adjustment. Those things are not complex. It is my understanding that most of the applications are not terribly complex, but there are the big hearings under the Planning Act and the Aggregate Resources Act that are complex. They are lengthy, and the OMB members should certainly be expected to be knowledgeable on the issues that are likely to be raised in hearings under those statutes.

Mr Wessenger: Do you have any recommendations with respect to the whole question of term and tenure with respect to OMB members?

Mr Lindgren: That is a controversial issue, and I have talked to a number of public interest groups about that. There are some groups which, for example, favour very limited tenure and appointments that take place in a very open process. I have read the Coopers and Lybrand report on that issue, and I do not have any firm recommendations at this point. I understand the concern is that you may need a tenure as long as five years to bring new members up to speed, with a view to reviewing the appointment every three years thereafter. I would not have any objection to that model.

Mr Wessenger: Would you suggest some sort of performance review of OMB members on the question of reappointment?

Mr Lindgren: I would certainly expect and demand that performance be a criterion, or certainly it is a matter that should be looked at when reappointment is being considered. Towards that end, I think there should be an opportunity for public input as to whether or not a member should be reappointed.

Mr Wessenger: On the other side, there seems to be certainly a grave concern about the question of the judicial independence of the board and a perception that if you have a performance review you are in effect taking away from the quasi-judicial nature of the OMB and making it more of an administrative body of the government, so I am wondering if you have any concern in that regard.

Mr Lindgren: Not really, because there is in place a review process for the conduct of judges. I am thinking, for example, of the Ontario Judicial Council, which does look into complaints that judges are not acting appropriately, so I do not think the mere fact that you are looking at how well or how poorly a member does necessarily affects the independence of the tribunal.

Mr Bradley: How do we avoid the problem arising—and some will make arguments against intervenor funding that this certainly adds to the problem, I guess is the best way to put it—of it simply becoming a forum for lawyers fighting? There are many people, as you may be aware through your profession and your experience, who criticize what we have done with the Environmental Assessment Board. They would say the Environmental Assessment

Board is no longer a court, if we can use that word, for the average citizen; that now it is high-priced lawyers or low-priced lawyers—whatever happens to be the clientele, I suppose—battling it out over legal complexities, and each bringing in experts who cost money, and the experts battle it out. The citizen, the average citizen, whatever that is, is really excluded from significant participation in the process. You may contend that that is not the case in the environmental assessment board, with some justification, but how do we avoid that if we bring about intervenor funding and people then hire lawyers?

Mr Lindgren: I think you have to look at the overall purpose of making intervenor funding available. The reason you are making it available is to enhance the ability of that public group to participate on an equal playing field. Quite frankly, if you do not make the intervenor funding available, then the citizen is going to go up there and be confronted with an intimidating array of professional witnesses and lawyers and so forth, so you have to level the playing field.

If I could continue for a moment, I am not sure I would agree with the suggestion that making intervenor funding available will degrade or downplay the role of the public. Let's face it: lawyers take instructions from their clients. If a client wants me to undertake a particular course or take a particular position, that is my highest authority and I have to do that.

It is hard to defend the role of lawyers sometimes, and I am sensitive to that, but you have to remember that you are dealing with statutes. These are legal documents that you are dealing with. It is a legal process and, like it or not, some lawyers have to be involved.

Mr Bradley: It brings about, however, a lot of suggestions that essentially the only people who can sit on boards are people with some kind of legal background. The Environmental Appeal Board, for instance, used to be a very informal procedure. It used to be a quick procedure. Today a lot of people, outside of the septic tank cases, come armed with their lawyers and the chair will often ask for people with a legal background, which I read as being a lawyer. So does that not really mean that we are going to see, because of the legal complexity of the cases, more lawyers sitting there on these agencies, boards and commissions?

Mr Lindgren: You may, but it is not inevitable that they be lawyers. I am thinking, for example, of justices of the peace. A number of them still are not lawyers and they may have a certain modicum of legal training that is sufficient to get them through the very complicated tasks they are called upon to do, so you might have to ensure that the new members of these various tribunals have in fact some exposure to legal training of some sort, even a very rudimentary level of legal training. It does not mean they have to be lawyers; it just means they have to be people who can think clearly for themselves.

Mr Bradley: I would hope that would be the case. I just noticed the trend coming, and I can be, I suppose, justifiably blamed for doing it, for putting these people on these boards and for introducing intervenor funding and so on. The arguments against it have been compelling—I will

not say to me, but certainly to some others—that it is moving in the wrong direction. Even some strong proponents of the system, including intervenor funding, people who I would never believe would change their mind, are beginning to waver, at the least, because they see a very legal system being set up outside of the courts and in these quasi-courts, I suppose we would call them.

1540

Mr Lindgren: I do not think you have to apologize for a moment for introducing intervenor funding legislation. I think that was a very significant step forward in this province and it is one that I hope is continued when the legislation is reviewed. I think it is an important reform. We have to continue it.

The Chair: I suspect he knew that would be your response.

Mr Villeneuve: The intervenor funding, in some instances, is valid. I am scared of an automatic representation at every OMB hearing. I am not sure that is what we need.

But going to another subject, you spoke of monitoring and compliance. In the Constance Creek golf course situation, were there not some corrective measures done? There was some disturbance here, but could you comment a little bit on what is the situation now?

Mr Lindgren: What I did not say when I was discussing the Constance Creek wetland case was the fact that we very strongly urged the board to require the damaged wetland to be restored if the appeals against the bylaw were granted. The board did grant the appeals against the bylaw but held very plainly that it did not have the jurisdiction to require restoration. I am not sure if I accept that today, because I think very strongly an argument could be made that they did have the authority to require restoration, but let's accept for a moment that maybe they did not have the jurisdiction. I say, amend the Planning Act to say that if the land is damaged without approval, there should certainly be a requirement that the land be rehabilitated or restored to its prior condition by the parties responsible for the destruction.

Mr Villeneuve: Do you think you could effectively do that?

Mr Lindgren: My understanding is that in fact you can rehabilitate damaged lands to something resembling their former state. There has been a lot of experience with environmental restoration in the United States. Some projects have been successful, some have not been, but it is certainly better than letting the damaged land stay in that state.

Mr Villeneuve: I can see your concern whereby the damage had occurred prior to the decisions of the board and what have you, but I go back to monitoring and compliance. You quite obviously feel that is not adequate at present, based on an OMB decision that says, "You will do thus," and whatever. Could you possibly give us a model of what you feel monitoring and compliance should be?

Mr Lindgren: Perhaps I should briefly describe what I mean by effects monitoring and compliance monitoring. Compliance monitoring is simply, "Are you doing what you're supposed to be doing?" Effects monitoring is simply,

"What are the impacts of what you are doing" with a view to mitigating impacts if they appear on the horizon. The suggestion I make in the brief is that the Planning Act or the OMB act should be amended to include the equivalent of section 14 of the Environmental Assessment Act, which sets out a very good and illustrative list of the various types of conditions that can be attached to an approval to, for example, monitor environmental impacts or to mitigate environmental impacts if they occur. I think it is a very good list. It is not an exhaustive list, but it is certainly a model that should be looked at.

Mr Villeneuve: Have you ever had litigation against agriculture or farmers?

Mr Lindgren: I represent farmers. I personally have not sued a farmer, but I have represented farmers successfully in litigation.

Mr Villeneuve: In cases where certain people were unsure if indeed the farming practices conform?

Mr Lindgren: I have represented farmers in situations where the farming operation has been adversely affected by the activities of other people offsite.

Mr Hayes: Can I ask a question? I have been so good all afternoon.

The Chair: I will give you one minute and that is it.

Mr Bradley: That is because you have a new moustache.

Mr Hayes: I know the previous group, the Concerned Citizens of King Township, spoke earlier about the inconsistency, the same as some of the remarks you have made, and how it makes a difference in the way they are treated. If there is a lawyer there they might be treated a certain way, and if not, there are some changes there.

Do you feel that if municipalities and government were maybe more consistent themselves and had good sound planning practices in this province, and also if the OMB, for example—and I am throwing it all in to try to be real quick here—if decisions were made on good, sound planning and on good environmental planning or that kind of thing, rather than if there was stronger legislation, maybe we would not get into these kinds of situations where it does get into legal battles rather than looking at the real concern, whether it be preserving the agricultural land or protecting the environment? I do not know how you are going to answer this, but maybe we would not need as many lawyers, for example, at some of these hearings if we had the good, sound planning to begin with.

Mr Lindgren: That is right, and I think I can answer this by picking up on a comment that was made by the previous group. I think that there is a very clear and pressing need for a stronger provincial role in land use planning. Towards that end, I would certainly support effective and enforceable policy statements on a variety of issues. I would support specialized legislation for the protection of certain key resources, such as wetlands, farm land and woodlots. At the bottom line, I certainly support sound land use planning being carried out by municipalities and developers. Unfortunately, to this point, that often has been not the case.

The Chair: Thanks, Mr Lindgren. We appreciate it.

CANADIAN BAR ASSOCIATION—ONTARIO

The Chair: The next witnesses this afternoon are from the Canadian Bar Association of Ontario. Welcome to the committee. Please identify yourselves.

Mr Harbell: My name is Jim Harbell. I am the chairman of the municipal law section of the Canadian Bar Association, Ontario branch. With me this afternoon are the past chairman, Leo Longo, and two members of our executive, Mary Bull and Karl Jaffary.

Each of the four of us is a member of a committee that we put together some months ago to review the role of the OMB, knowing that it was coming under certain scrutiny, learning of the Coopers and Lybrand report and initiatives the OMB was taking, and learning that this committee was meeting and discussing it as well. We welcome the opportunity this afternoon to come before you and hopefully give you some benefit of our knowledge and our ideas in the area and to respond to your questions.

The four of us have divided what we are going to say into four parts. I am going to lead off by advising you why it is that our section believes that the OMB plays a vital role in its current capacity and what its strengths are. After that, Mr Jaffary is going to review briefly our input on the Coopers and Lybrand report and in effect do a critical analysis of it. Then we are going to follow with Ms Mary Bull, who is going to advise about some of the current problems and issues that we see at the OMB and what some of those potential solutions are, and then we are going to turn it over to Mr Leo Longo to do a wrapup on the position of the board. We hope to do so briefly among the four of us and to leave lots of opportunity to respond to questions.

On the strengths of the OMB, it is my submission to you that there are three strengths of the board that we believe are worth the continued support of the function it plays in Ontario and are worthy of resources being expended to ensure that it does stay around and play the role that it does. Those three are: (1) its hearing experience, which results in fair hearings being held across this province; (2) the specialized knowledge that the board has developed over its many years of hearings in a wide variety of areas; and (3) the strong, independent role that the board has had and played in this province.

1550

As I am sure you are well aware from the submissions that have been made to you, the board has a complex role. It is an arbitrator in a broad number of areas ranging from assessment, expropriation, municipal finance, and probably the most well-known area, the planning area. Within each of those areas, they do a broad range of cases. Some of them are extremely simple. Some of them are neighbours simply battling over whether one should have an extension to a veranda or front porch. Others are of an incredibly broad and expansive type of role, such as interregional planning and transit and transportation, how wetlands are going to be protected and how much agricultural land is going to be taken up by an expanding urban area, how the existing urban area is going to be intensified in its development. All of that may be dealt with in broad official plan hearings that may take many months to be conducted, and

they are conducted by the same people who the week before may have been called upon to adjudicate on the veranda and maybe the week before were dealing with a municipal finance or assessment question.

So the board is a complex tribunal. It has many areas it has had to develop expertise in, and it is the submission of our group that it has in many ways well developed that expertise and should be commended for it.

Beginning with my first point on the hearing experience, it has been our experience as members of the legal community appearing before it that the board has successfully achieved the ability to hold a fair hearing, and that is not a matter that should be diminished. The importance of fair hearings to all those who appear before them, whether they are represented by legal counsel or not, is extremely important.

To our knowledge, the board has successfully achieved that. Where there is, for example, the perception of a playing field that has lawyers on one side and perhaps unrepresented ratepayers on the other, the board is extremely cautious and careful in ensuring that the unrepresented ratepayers are fully protected, that the legal issues have been brought to their attention, that they have been well explained to them and that the lawyer on the other side, if he or she happens to be the only lawyer in the room, is well under control and is not stampeding over the process.

The board has developed its rules of procedures to ensure that there is a fair hearing. They are trying to ensure that people have pre-disclosure of what is going to be dealt with at the hearing, that the issues have been narrowed and that the number of witnesses and things are known. You will hear from us that they perhaps can do a little more work in that area, but they have achieved a substantial amount of benefit in the whole area of holding a strong and fair hearing.

The second area we believe they have achieved is in the area of specialized knowledge. As you have heard from Mr Kruger, and you have seen some of the statistics, the board handles a tremendous number of cases. A number of board members, through those cases and all of the evidence they have heard over some of the many years of experience, have developed a very broad and specialized knowledge that they are putting to good use.

They are extremely knowledgeable in the expropriation, the assessment and specialized municipal finance areas, and then in the planning area, which we most often hear about, they have developed a broad provincial perspective. They can step beyond a local decision-making process, they can look at general provincial policy and they have successfully achieved implementing that policy across a broad perspective. One week they may be in Ottawa; the next week they may be in London. They have the same Food Land Guidelines, the same provincial housing policy statement in mind, and they are able to implement their specialized knowledge to broadly apply some of the broad planning policies that have been put in place, and have done so, from our perspective, relatively successfully.

The third point that we believe is a strength of the board and the one we believe is its most important is its independence, both in reality and in perception, which are

equally important. The board is beyond partisanship. It is beyond any kind of local decision-making, with all of the various pressures of local decision-making caused by local councillors who have people sitting there in front of them at 11 o'clock at night at a council meeting and they have to respond. The board has more time. It can stand above that fray. They can take a week to decide something that a local council maybe only had a half-hour to deal with. They can hear full evidence. They can go off and think about it for as long as they want to and they can come back with a full written decision that presumably, after a fair hearing, will independently set out for all of those who appeared before them what the decision is.

That independent decision-making role is very important from our perspective. It allows for all persons, whether they be ratepayers, municipalities, developers, the opportunity to stand forward and say, "Perhaps in the heat of the middle of the night in front of this council, things weren't all addressed the way they should be, and this decision needs to be heard again by an independent tribunal which can think about it a little more and can set down a written decision." The independent role is one we think is crucial, and one that should certainly be expanded and should be fully supported.

Those are the strengths of the board. Perhaps to give that some balance from our perspective, I would like to turn it over to Karl to give you our review of the Coopers and Lybrand report.

Mr Jaffary: I do not know if you have read it, but it certainly terrified us. It suggested that the hearing times before the board should be reduced. While it said that could be done over the course of three years if 10 or 12 members were appointed to the board, the solution proposed by Coopers and Lybrand was rather that the staff of the board be increased from 66 to 112.

As far as we could see, the function of the board would change totally if that happened. There were to be case management officers. There was to be a large legal staff advising the board. There were to be planners advising the board. The board would not work in anything like the way the OMB now works if the Coopers and Lybrand recommendations were implemented.

I have watched hearings, for example, of the Atomic Energy Control Board of Canada. That is a board that sits in public hearings for perhaps half an hour on issues, and almost everything that is done is done by written filings with the staff, and the staff reviews it and the staff tells the board members what is appropriate. You can perhaps go and see the Atomic Energy Control Board and tell them the staff got something wrong, if you can ever find out what it was the staff had told the board, but it is nothing like the quasi-judicial process the OMB now has.

The Coopers and Lybrand people suggest that board members' decisions should be reviewed by the board's staff before they are released; they should be reviewed for context, they should be reviewed for consistency with policy. It is then thought that the board members before whom you had the hearing should sit and have a collegial discussion with all other board members before a decision is even written.

The old practice of being able to present your case and present your witnesses and persuade some human beings, who you see, of the rightness of your cause and, if you do that, having a result that works would, in our view, become a very remote kind of thing, which is not a very desirable thing. Our feeling, and here we can echo others who have spoken to you, is that what is very much needed is more members of the board who can conduct hearings and have the time to do that properly.

We have heard that a variety of backgrounds is needed on the board. That is true. But it does not do much good unless the variety of backgrounds can somehow come together and hear your case. It used to be that you got three board members on major cases and two board members on most cases. Recently, you have been getting one board member on most cases, two at the most on very serious cases.

I think the board members have been working hard, but we have been concerned about the working conditions they have been under, about the backlog that has built up and about the approach to dealing with all of that through an increase in staff and case management rather than through an increase in appointed members.

We notice that no public process for adoption, rejection or anything else of the Coopers and Lybrand report exists, but people with the same names as are described in that report—director of operations, things like that—are now being appointed to the board. So it seems to us as if the blueprint is that that report will be implemented, and we think it will be implemented at great cost, far greater cost than that of appointing board members—cost in dollars to the government—and much greater cost in the operation of the board as a whole, which we think will be diminished by all that having happened.

The value of independence that Jim Harbell was talking about is something that did not seem to the Coopers and Lybrand people to perhaps be as important as we think it is. When you look at the kinds of things that come before the board, they are usually, as one of the members of your committee, I think Mr McLean, was saying, situations where someone believes himself to have been wronged by the planning process, often a citizen, sometimes a citizens' group, sometimes a land owner, sometimes citizens who believe that a prejudicial decision has been made in favour of a land owner. But in any one of those cases, it is a situation where someone thinks that a large administrative structure has gone off the rails. If you want to continue to have a body that will enjoy public respect, it has to be a body that can put those kinds of matters right.

1600

The kinds of people to be appointed to the board under the Coopers and Lybrand recommendations is also significant. Their thought is perhaps three-year appointments, perhaps five-year appointments, perhaps renewal for a second three-year term. Then that person should go back into the community or somewhere and do what? We do not know. The practice in the past, of course, was to appoint people coming close to the end of a career, and they would hold office during pleasure or until retirement, and you would have perhaps eight, perhaps 10, perhaps more years of service out of someone.

If what you are going to have is middle-level people leaving one job, taking a board appointment for a few years and then going on to something else, one really wonders about the independence of the board members and what kind of work they will be doing. It certainly is going to be a job that will appeal to people who are provincial government or municipal government civil servants and can go back to that kind of job. It will not appeal to anyone in private practice who will lose his practice if he goes to the board. It certainly can create the possibility of the danger of favouritism by board members who are looking for employment two years down the road, perhaps with the very people who are appearing before them.

That whole concept of moving people in and out of the board reasonably quickly and having them essentially do what a professional staff tells them to do is one that we find disturbing. We feel the independence of the board would be better helped by treating the people who are appointed very seriously. We are certainly in favour of open appointment procedures. They used to be paid something comparable to a provincial judge. I do not know what they are paid now, but I think that parity has long since fallen away. They used to be assumed to be doing an honourable role in the community which they would continue doing until they retired, and we would like to see those kinds of traditions encouraged.

Mr Harbell: I now call on Mary Bull to advise us on some of the other areas where we think perhaps the board can use a little adjustment in its scope.

Ms Bull: As my colleagues have mentioned, we are concerned that the board be able to function effectively and expeditiously and still maintain its integrity and independence. We have all heard that the major problem of the board is a significant delay in having matters finally adjudicated—the backlog. There are a number of contributory factors to this, but I think the most significant is the fact that the number of matters the board is called on to adjudicate has increased markedly over the past. The increase is due to the increasing number of files in the areas of their historical jurisdiction, and also an increase in the scope of their jurisdiction. A couple of examples, I am sure you know, are the commercial concentration tax area, development charges and, of course, joint board hearings. What has happened is that they have had an increase in their workload without a resulting increase in the resources available to the board.

We have suggestions for a number of solutions that can be instituted while preserving the basic integrity and independence of the board as it is today. I am going to discuss a few of these, and we will set them out in more detail in a written submission to this committee.

There are three areas I would like to talk about: first, to investigate areas in which the jurisdiction or the mandate of the board can be reduced; second, to increase the resources available to the board; third, to try and reduce the length of hearings.

If I can deal with the first matter, to somehow try and reduce the jurisdiction or the mandate of the board, there are some matters that the board deals with now that do not

require public hearings. We believe that some of those matters can be delegated perhaps to a provincial ministry to be dealt with when no hearing is required. One example of that is approval of municipal debentures. We do not believe it is a useful use of the board's resources to spend a lot of time on that.

The second issue is to increase the resources of the board in order that it can deal effectively with the matters it does have jurisdiction over. As Mr Jaffary mentioned, one of the most significant ways of doing that is to increase the number of board members. This can be done by increasing the number of full-time board members and also part-time board members. They could be retired members who are called in to deal with certain backlog issues.

It is also important to ensure that the members who are appointed are strong members. By strong, I mean people who are able to understand the complex evidence they are required to hear and be able to weigh conflicting evidence, sift through it and make a comprehensive decision.

One of the ways this can be done is setting up a committee that reviews appointments to the board. Another important factor ensuring that we have strong members is to deal with the issues such as tenure, the working conditions of the board members and also ensure, as Mr Jaffary said, that compensation is adequate so that we attract those strong candidates.

There is a number of ways we feel the board can reduce the length of hearings. As you know, the board has instituted a number of procedures in the recent past to try and do this, and we believe that in some respects, there are other matters it can try, and go a little further. The first suggestion is pre-hearing conferences. Right now, the board has pre-hearing conferences where it calls all parties together, but that conference is chaired by the member who will preside at the hearing. What we suggest is that they have pre-hearing conferences chaired by a board member who will not be at the hearing. At that hearing, all parties should be present and the member will require them to identify issues that are no longer in dispute and identify the issues that still remain in dispute.

Those narrowed issues would be the issues that would be dealt with at the hearing, and they would not be expanded without the leave of the board. This would significantly decrease the length of the hearing if the issues that are truly in dispute are clearly identified.

A second method is to have routine disclosure prior to the hearing and prior to all hearings. It is not in anybody's best interest for hearings to be conducted by ambush and people having experts and reports pulled out of their back pocket at the hearing. I think there should be a requirement for all parties to disclose witnesses and reports before the hearings so that the board can hear the best evidence on all the issues and come to the best decision.

Those are just a few suggestions. We can go on with some more detailed ones, but I am not sure the committee is interested in those. But there are, in our submission, ways in which the existing board, the independent board can increase its efficiency without going to the kind of system that has been suggested in the Coopers and Lybrand report.

Mr Harbell: I call on Leo to conclude our presentation.

1610

Mr Longo: To be brief, I would just like to deal with one point, that we welcome the opportunity of the committee's review of the board, because if there is one thing we would truly wish it is that this committee not underestimate the board's significance or indeed its necessity. It permits citizens the right to appeal what they believe are arbitrary or ill-founded decisions of their local councils. If anything, it allows citizens to feel they have had their day in court, something they sometimes feel they are not afforded at the local municipal level. While I greatly appreciate that many members here have come from municipal government, you would appreciate that there are many instances where one side of an issue has felt that it requires a fair, independent hearing, and the board provides that.

The board also provides a very helpful check against the influence of any one group. The board therefore represents everyone; it does not represent developers solely, it does not represent ratepayers solely, it does not represent municipalities solely. It is there as a helpful check to keep the balance of legislating and power. Finally, it serves the province. It allows the minister in many instances to refer matters to the board so that a full public hearing will be convened when the facts demand it.

So we believe, if the committee understands the significance and the necessity of the OMB and its functions, it will see that many of the other issues—having the highest quality of members, ensuring that any moral issues the board may currently be suffering under, overwork, low pay perhaps, or not being tenured—are issues that demand this committee's attention and positive contributions to ensure that the significance of the board is enhanced.

Rather than dealing with any other issues, I know you asked questions of other deputants and we certainly have some thoughts on those. We hoped you would ask us, as perhaps one of the more significant stakeholders in that we are always in front of the board representing municipalities or land owners or ratepayers. We would like to answer your questions.

I should add that it was our intention to file a written brief to back up many of the things that we would be discussing and to elaborate upon them. I see, though, that you are already dealing with tentative recommendations at 5 o'clock. I trust the committee will welcome any written submissions that the bar association does file because we truly believe this is a matter of significance.

Mr McGuinty: I am pleased that you placed some emphasis on the matter of alternative dispute resolution. There seemed to be a great deal of emphasis in the presentation we heard earlier, which raised some very good points, on the fight itself rather than on mechanisms that we could put in place to minimize the number of issues that we have to deal with.

Ms Bull referred to—I will use her adjective—strong members, attracting strong members or candidates.

Mr Bradley: Do they mean defeated candidates?

Mr McGuinty: I am not sure about that, Jim. You will have to wait for your question. First of all, could you

pinpoint a minimum salary that would be necessary to attract a strong candidate, and how would you define more explicitly a strong candidate?

There have been suggestions, for instance, that we should have farmers on the board, or we should have a home owner on the board. Just define a candidate or member for me please.

Mr Longo: I will leave the dollar figure to my learned colleagues, but in order to have a strong member, I would think that salary, with respect, is less important than the tenure issue. I believe that if you are looking for quality people to serve on the board, you are looking to set the right framework to attract the right person. In the circumstances of a three-year review, you are, at the beginning, ruling out many who would serve, and indeed have served, with distinction on the board because they would not be able to accept a position for that short period of time.

It is my belief that one way to ensure strong members is to create the characteristics that would attract them. A strong, independent member would have a secure tenure in order to act in a responsible and fair way. I will turn it over to my colleagues.

Mr Harbell: I will attempt to respond to your dollar question and I am going to do so in typical lawyerlike fashion, indirectly. It is my submission that it is not the dollar sum that is important, it is where it ranks. If X is making a certain sum of dollars, and the OMB members believe their role in society and in this province and the complexity of what they are doing are as important as X, then I believe they are going to want the same salary that X is making.

For example, Karl referred to provincial court judges. At one time there was a traditional relationship between the salary of a provincial court judge—I do not know what it is at the present time—and OMB salaries. I believe it is significantly higher than OMB salaries at the moment, probably somewhere in the order of 40% to 50% higher would be my guesstimate at this point.

I would say that OMB members believe their role is as important, their day-to-day jobs are as complex, the amount of pressure on them is the same as on a provincial court judge and therefore that would perhaps be an important role model to look at in setting the salary of an OMB member.

The point is that you might not get members of the private bar to join the OMB because of salary and, I think more importantly, because of the tenure question. The provincial court has certainly attracted a large number of well-qualified people in this province—at least from the private bar, in our experience. Again, that could be used as a comparison. If you can attract a provincial court judge who is well qualified, then you should be able to attract an OMB member with a similar salary.

Mr Jaffary: Although the OMB is traditionally looked on as being the equivalent of the Supreme Court of Ontario—the General Division rather than the provincial court; its subpoenas have the same weight and it is given the same regard by that court—I think you got them at bargain rates when you paid them what you paid provincial judges, and I think you are underpaying them now.

I think there are a few characteristics a strong member has to have. He has to be able to conduct a fair hearing, he has to be able to preside properly, and there is no magic in being able to do that in terms of one's profession. It can be done; a lot of people can do it, but I think whoever you appoint has to be able to do it.

It would be helpful if they had a reasonable acquaintance with most of the statutes that have to be administered, not necessarily a lawyer's acquaintance, but they should at least have read them; and it would be nice if they had had to work with some of those statutes at some time.

I think there should be some kind of review that at least suggests people who might not be acceptable. The bar association used to do that with federal judges. I know that previous governments used to consult the previous chairman about possible appointees, and if he thought they would be awful for some reason, they would not be made. There are probably some informal procedures in effect now. They could be formalized and crystallized somewhat. I think a variety of backgrounds is, of course, desirable.

Mr McGuinty: How do you respond to Mr Lindgren's position with respect to intervenor funding?

Mr Harbell: I think we knew that question was going to come up; the four of us were attempting to discuss it.

As a group, the Canadian Bar Association, at least the Ontario branch, has not made a policy decision that we can bring forward. We are going to be meeting as a group within the next month, and we understand we have the opportunity to file a written submission. What we would like to do is think about that issue further. There are pros and cons that we were discussing among ourselves that we want to flesh out further, and we will make that a part of the written submission that we expect to file within the next four weeks.

Mr Jaffary: There are some things about it with which we are in total agreement. Some cases cry out for having the intervenors funded. We are not sure that they always cry out for having the intervenors funded by the proponent, whoever that is.

Often at the OMB the proponent is a single-home owner and it costs him a great deal to go there at all. If the intervenor is the municipality and he is going to have to pay those costs as well, the whole thing could have a tremendous backlash and keep people from going. We are worried about that, as well as about the other things the committee has raised, increasing the "lawyerliness" of it all.

1620

The Vice-Chair: We have 15 minutes left and we have six people who would like to ask questions. Judge yourselves accordingly.

Mr B. Ward: I will be very brief for the benefit of Mr Hayes.

We have heard today—and I think it is a reality in my riding of Brantford, if not across Ontario—that the private citizens or ratepayers feel the need to have legal representation at OMB hearings. I think this is a change from what has been occurring in the past. It seems to be a trend where more and more people feel they cannot present their cases on their own, that they need legal representation.

What do you perceive has happened at the OMB hearings to require or at least to create this perception among private citizens? Have things changed or are we just getting more sophisticated as we progress into the 1990s?

Mr Harbell: Perhaps I will start and I will be brief. The OMB has become more complex in its procedures, certainly in the last five years. They have put in place procedural guidelines, they have put in place cost guidelines, there have been many more motions before the board in the last five years.

Those kinds of issues are more lawyerlike issues. People perceive that on legal arguments about motions, about costs, about what items can be heard and what items are going to be dispensed with, you need a lawyer present. I think that kind of sophistication has caused the public to believe that more lawyers need to be before the board.

From my perspective, having been at hearings where I have had members of the public unrepresented on the other side of me, they have been extremely effective, and I believe that you were advised of that earlier this afternoon. From my perspective there is nobody who knows his backyard better than the person who lives there. If these people are in any way articulate, the board is very happy to hear from them and very careful to ensure that they are well protected. So I am not sure there is reality behind that perception. I think it has in part been caused by the more procedural matters that the board has put in place to try to relieve the backlog.

One of my colleagues may want to add to that.

Mr Longo: Not to repeat what Jim said, but another reason why it may appear that lawyers are required is partly due to what happens at Queen's Park. You are writing legislation which is much more complex and much more all-encompassing than existed even five or 10 years ago. Think of two matters that the OMB are currently going to be dealing with that will be very time-consuming and very complex.

One is the whole issue of the Development Charges Act. The clock is ticking and by November of this year all municipalities will have had to pass this bylaw which allows land owners the right to appeal to the OMB. That is a complex piece of legislation.

Another example is the interim guidelines that have just come out on the Oak Ridges moraine: another example of where the government is not just talking of the merits of the law but is creating more law. The more law and the more regulation you create, obviously the more complex some of these issues become and, fortunately or unfortunately, create the necessity for a lawyer.

Lawyers are accused of making the laws and then interpreting and applying them. But that is partly the Legislature's role too. Things are complex. Also, it is a recognition of the fact that we have attempted to bring the public in to the OMB hearings, and the more you bring them in the more knowledgeable they become and the more they want to be part of the process.

That is why there is a demand that they be represented by lawyers and have their consultants. It may be that we have been too successful in trying to make a public forum.

Mr Frankford: We have had some reference to the fact that the OMB does not make transcripts of its hearings, causing difficulties to citizen groups. Would you like to comment on that?

Mr Jaffary: Anybody who wants to hire a court reporter to come and make a transcript is always able to do that, whether it is a municipality or anybody else. There is a little table in every room. It is a bit of self-help. If you want a transcript, hire a reporter and pay for a transcript; and if you have to get funding from somebody, that is part of the funding you should get.

It is very, very rare for any of the parties to think it worth going to the expense of doing that. If any of them ever do, then they all get copies of it. The board does not think it is part of its mandate. You have Hansard people here, you know what it costs. It would add to the costs of the board's work significantly and I do not think there are many cases where it would help.

Mr Hayes: I have a short supplement to that question. I guess people, individual citizens or groups, sometimes feel intimidated if they are not represented by a lawyer. I guess the lawyers can use certain pieces of—I should not say legislation but maybe terms—legal terms that the individual just does not automatically understand. I think that is probably part of their concern.

In my experience on municipal council, I have myself seen inconsistencies in the past. Sometimes I was in one particular one and I thought I was really in a court of law, and that was as a member of that municipality. I just wanted to make that part clear.

Mr Jaffary: I would suspect that a great majority of the present board members would really resist anything like that happening, would make lawyers use simple language, would make sure people felt comfortable. But you know, it is a personal style of whoever is presiding, and some will simply do that better than others. Many of them do it very well.

Mr Hayes: That leads me to another very brief question, Mr Chair. Ms Bull, you mentioned about the pre-hearings. I guess they are more for kind of fact-finding and just to see whether there are real, legitimate appeals, whatever the case may be. But one of your suggestions is that the person who goes from the board for that pre-hearing should not be the same one who hears the final meeting.

I would like to question you on that because getting back to the other part, where it is not really recorded and you have someone who is going back and making a report to another member of the OMB, what happens when they go back and one of the parties says, "That's really not what we presented at this particular one"? Is there a danger of that? Because if I was going to sit into a meeting and be the person who makes the decision on which way it should go, I would think I would like to be in there from day one. I would like to hear you could elaborate on that, please.

Ms Bull: One of the problems in getting the parties to clearly identify the issues in dispute and the issues not in dispute is that if you are there before the member who is ultimately going to preside on the hearing on the merits, you are unlikely to be as candid about which issues are

very important to you and which issues might not be important. You are more likely to throw in the whole kitchen sink in case one of them turns out to be significant for you. If you are there with a member who is not going to be presiding at the hearing, you can say candidly to that member, "Look, ground water really is an issue for my client," and you can hive specific issues like that off the table and just deal with the issues that are really in dispute between the parties. I think it is similar to the process they use in the courts for the pre-trial process and I think the member deciding writes up a memorandum of the pre-trial conference, setting out the issues that have been identified as still being in dispute.

Mr Harbell: I think perhaps if I could just add to that, that similarly the board members would be concerned that they could not be tough, that they could not be frank, if they knew they were going to have to hold a full and fair hearing two or three months from now. They would not want anybody to accuse them of any kind of bias. They have to stand back from it two or three months from now and say, "Okay, I've heard everything." They are really quite reticent early on about starting to show their hand as to what they think is an issue, what is not an issue and say, "Look, no, don't do that. Let's cut this hearing down by a couple of days because I don't think that's an issue." They are not going to do that if they have to deal with the hearing three months from now.

Mr Bradley: The interesting observation I draw from this representation is that I really do not see how we are going to get away from appointing more lawyers to the Ontario Municipal Board if what you are saying is true, but I will let that one go and look at the long-term appointments situation again, because that has been a matter of great contention. Many of the people who have made representations have wanted shorter-term people.

If, as you say, it is advantageous to avoid the circumstance where a member of the board may make certain decisions to be reappointed to the board—that is suggesting that the person is a human being and may wish to be reappointed to the board so tends to make decisions which would please the provincial government, or tends to make decisions which would please a potential employer when coming back into the workforce. On the other side, how then do we keep in check—that is a dangerous phrase as well when we are talking about independence—how do we keep in check the people who, when appointed for life, which "at pleasure" is, in terms of their becoming lazy, arrogant or incompetent?

1630

Mr Longo: If I could start by assisting the committee and its research officer, our parent organization, the Canadian Bar Association, has done a very thorough investigation of the issue of independence of federal tribunals and has dealt with the issue of tenure and indeed that very issue as to how you have a check. I think it was Mr Wessinger, the parliamentary assistant to the AG, who mentioned about performance evaluations and what do we think of them.

It is very hard to provide a comment as to what we think of them until we see what the performance evaluation is. I would think some performance evaluations might serve a very helpful purpose. Others, however, may be written in such a way as to ensure that the person being reviewed knows he has to toe, if you will, the party line to maintain his position. Certainly we could not endorse that. So we believe there are existing frameworks with respect to judges who are at pleasure but can be removed under certain circumstances.

Comments in this document here, which are too lengthy to get into now, provide the committee, I believe, some assurance in balancing recommending tenure due to independence but also having that ability to have a check and make sure that a member who is not performing is one who can be called upon to perform or be removed. But in my personal opinion, the independence of the member is the overriding goal to best serve the public interest.

Mr Jaffary: The most irascible ones usually become irascible after about 10 years, it seems to me, so if you can get them at a point where by the end of 10 years they are going to retire, that is sometimes a help. I am thinking more of judges here than I am of OMB members, but when they have been around a long time they are often a little touchier.

Mr Villeneuve: To the bar association, thank you for making a very good presentation. The OMB tends to be an area where politicians at the municipal and provincial level like to dump the hot potato and have the board resolve it. That is fine, except it creates a terrible backlog. We have instances where one farmer is willing to sell to another and keep a retirement home and the Ministry of Agriculture and Food says, "I'm sorry, your buildings are too close to the house," and all of a sudden we are into an appeal which is 16 to 18 months. Politics are being played.

Could you tell us maybe where we could cut off some of the more frivolous things that the OMB has to decide on? You know, as a former real estate appraiser, I have been before you on a number of occasions and some pretty meaty stuff goes on there. But I also see some areas where there is not a lot of anything going on. Could you tell us, maybe at the assessment end or the assessment appeal end, where you feel we might remove some of the minor variances type of thing? Where can we take away some of the workload so it becomes manageable?

Mr Harbell: Leo, you are nodding your head. Do you want to have a go at that one?

Mr Longo: I was just going to say I would not take away the minor variances role, because that is a significant role. The committee should recognize that there are existing powers in the Planning Act right now on minor variances, on consents, on official plans and on zoning bylaws that allow the municipal board to dispose of a matter without conducting a full hearing when it brings the person in who has objected to determine if it is frivolous or vexatious. That power exists. Now the board and sometimes the courts have put limits on how far the board can go in exercising that power, but that power is there and perhaps

if it were more often utilized by the board itself or by municipalities, you might be able to shorten it.

I think the board membership right now is 31 and they just appointed two, I think on August 1. Three years ago I think there were 37 or 38, when they had a lower case load and were able to manage around four or five. So it may be nothing more than coming up with some more members rather than staff people, and you will find the hearing schedule will start collapsing, because you have more bodies to handle more cases. But there are mechanisms now that are in place which I think the committee should not underestimate. Just because they are little-used does not necessarily mean they are not appropriate tools. It may just be an education system to get more lawyers and municipalities to use them.

Mr Jaffary: Another thought we had was that while we think there should be appeal on consents in minor variances, you might have almost two levels of board members. You might have part-time board members, and they might sit in different regions; and you might have two weeks in Kingston where you clean up all the minor variances from eastern Ontario in a shot, and something where you would not have to wait for more than a month for that kind of hearing. So you might take some of them at a lower level of hearing.

Mr Grandmaitre: One short question, again on the workload. I have said this before and I told Mr Kruger that personally I think the mandate of the OMB is too broad. They stick their nose into just about everything, and I have had some experiences with the OMB. I am not here to chastise them; personally I think the provincial government is responsible as well because we are loading these people—like the concentration tax.

Do you think a breakup of its mandate would make the OMB much more acceptable than it is right now? Going back to the perception, personally, I think the OMB has lost a great deal of faith among our citizens. Do you think by breaking up the mandate we would improve the perception?

Mr Longo: I am not an apologist for the board but, with the greatest of respect to Mr Grandmaitre, the OMB does not stick its nose into anything that the province has not first told them it is their business to look at. In fact, with the greatest of respect, the OMB always tries to stay within the jurisdiction given to it rather than go beyond its jurisdiction, so if it is sticking its nose in, it is because the province in its wisdom has decided that it is the most appropriate body to do so.

Secondly, the board probably has more than 100 acts plus hundreds of private municipal acts. They do have a very broad mandate. It is always open for the province to say, "Let's review the mandate." But you know what? Somebody is going to say, "If the board isn't going to do it, who is going to do it?" And you know what? The board, being the senior administrative tribunal in this province, I think, has shown itself throughout its history—and I think it is proud of it—to have earned its stripes to deal with many varied matters in a competent way.

So yes, you can always review its mandate, but if you do, sir, I would ask that before you change it you go and

consult with the public and all the municipalities and the ratepayers and the land owners to ensure that, whoever you are giving it to, they are pleased with the system. Because that drastic a change should only be done with public consultation.

Mr Harbell: The specialized knowledge that the board gains is very useful between the different areas that are within its mandate. For example, assessment or expropriation have historically been dealt with by other commissions and then were brought under the OMB. It has been very helpful, though, that they have been brought under the OMB, because each of either expropriation or assessment involves a significant review of planning issues, of highest and best use, of what is the best planning for those lands before you determine what their value is for expropriation purposes or for assessment purposes.

If you get a significant case, for example, in either of those areas, by being able to put a board member who has perhaps done a lot of planning cases together with somebody who has financial expertise, you have a stronger board than you might have if you broke up those particular matters back into specialized tribunals. So there is strength in that collective whole that they have put to good benefit over the past few years.

The Chair: Thanks, Mr Harbell and others. We appreciate your appearance here this afternoon and your testimony.

Mr Harbell: Thank you for giving the opportunity.

Mr B. Ward: Just a point of clarification: You said the written brief would be forthcoming.

Mr Harbell: Yes.

Mr B. Ward: How long would that take?

Mr Harbell: We expect within four weeks, and we are told that works for the committee's timing.

Mr B. Ward: Four weeks?

Mr Harbell: Four weeks. The Canadian Bar Association has a rather complex procedure that we have to go through to get you a written brief.

Mr B. Ward: Bureaucracy?

Mr Harbell: I am sure you will understand and sympathize with us on that.

1640

JOAN COXHEAD

The Chair: The next witness is Joan Coxhead, a private citizen who has asked to appear before us and has submitted a brief in writing. Ms Coxhead, welcome to the committee. I assume the clerk advised you we are talking about the general issue. We do not see ourselves as a court of appeal in respect of any decisions taken by the OMB that might have impacted upon you. We are looking at the broader issues with respect to the operations of the OMB. You have an opening statement. Please proceed.

Ms Coxhead: The statements you have in front of you are for background only. What I have today you do not have copies of. I am going to speak from the perspective of a layperson rather than a lawyer. We have been sitting here listening to a number of lawyers. I have appeared before the OMB on two occasions as a spokesperson. In neither case

did we have a lawyer. The first occasion went smoothly. The second occasion was a real eye-opener and my intent this afternoon is to give you some idea of the experience that I personally and the people who were supporting me had in front of the OMB. We came there with the expectation of getting our questions answered, questions which neither the city nor the developers were willing to answer.

There was no transcript. Therein lies a lot of our problem. Without the transcript we were unsuccessful in proving that the hearing was not conducted according to established guidelines, guidelines that should have provided us with the opportunity to present our case, to have argued the merits of our case and to have our questions answered. Yet even without the transcript, the OMB has defended the actions of the hearing chairman and dealt harshly with those of us who dared to object to the manner in which we were treated.

There is a double standard here. The letters written by the chairman of the OMB, a person not present at the hearing, show how he defended the hearing chairman and condemned those of us who dared to object to the treatment received. At the hearing we were threatened with costs and we were denied the right to have our evidence considered seriously because it was not presented by experts. We were chastised for appearing without legal counsel. The chairman allowed and encouraged the lawyers for the developers to attack the character of the appellants. This was done by both his word and his actions.

As the appellants, we were subjected to the openly expressed bias of the chairman. Our presentation was called gobbledegook and our actions cavalier despite months of preparation and supporting evidence. We were treated as individuals and our support, which numbered in the hundreds, was not acknowledged, whereas the support of the developers was accepted as being overwhelming. Our evidence showed otherwise, but it was not accepted.

The point, however, was not to demonstrate popularity but to have the issues addressed. We were insulted, ridiculed, reprimanded. We were subjected to the chairman yelling at us, shaking his fist at us and pounding on the desk. Despite all this we maintained, outwardly, our composure and behaviour at all times. The inappropriate behaviour of this chairman was such as to discourage any citizen from ever attempting to make a presentation to the OMB.

In a report addressed to this committee, dated March 1991 and accompanied by a letter to the Ombudsman's office dated September 1989, we presented details of the manner in which we were treated and we provided quotes as to the disparaging remarks he made. One of our supporters who was there took notes during the proceedings, so we did have some quotes.

The decision itself shows the chairman's contempt for the appellants and his bias in favour of the developers. The decision focuses on the character of the appellants as perceived by the chairman rather than the development issues. Where the development issues are looked at, the assumptions made by that chairman as to statements made in the written presentation just do not match the material we presented. We are still left with all the unanswered questions. In fact, we prepared a 10-page report on all the unanswered

questions, questions that the developer will not answer, the city will not answer and neither did the OMB.

The answers to many of those questions could show that approvals of the development violated both the Planning Act and the Municipal Act. Our written presentation tried to address these matters, but the chairman was unwilling to listen to this presentation and our attempts to get answers through cross-examination were totally unsuccessful. We were competing with planners and lawyers, trained professionals who evaded the issues and concentrated instead on attacking the character and integrity of the appellants. The chairman allowed the attacks and encouraged them.

We were there to discuss development issues. They were avoided. We have since learned that lawyers tend to try to discredit their opposition as a way to avoid the issues. However, we might have expected the chairman to have put a stop to such attacks. To allow the lawyers to continue in this manner would have been bad enough, but to encourage this behaviour by agreeing with them and by offering his own uncalled-for remarks was very discouraging and intimidating.

The decision reached was that the appellants were guilty on all counts, although we were not even supposed to have been on trial. The developers got their approvals but the issues were not addressed. Another report was written—the Ontario Municipal Board Policies and Procedures Review, of which you have been provided with a copy—that provides details of the errors made by the chairman in his written decision. He made assumptions when there was no evidence to support those assumptions. In fact, in many instances the appellants' written presentation presented evidence totally at variance with the material the chairman attributed to us.

John Kruger stated before this committee that decisions had to go through a process of peer review before being issued. It is beyond our comprehension how this particular decision could have passed such a peer review. Nor are we able to understand how the co-chairman could have co-signed that decision. The co-chairman attended the hearing as a member of the board, but he appeared to have been there only as an observer. We wonder if he was there for training purposes and without authority to question the conduct or expertise of his superior. Had he done so, might it have been detrimental to his career? We do not know.

Peter Howden, also of the OMB, appeared before this committee. He stated: "I think it is the board's job to make sure that those ratepayers who come and raise those points get them answered. If they cannot be and they are significant, then the developer loses." Our questions were not answered, but the developers won. John Kruger stated before this committee, "I see it as a board where the average citizen has a right to come without legal counsel to be heard." We were denied that right.

When we wrote to the chairman of the OMB, the result was further condemnation for daring to question the expertise of a man of that chairman's standing. An "investigation" had been conducted, but it appears to us that the goal of this investigation was to protect the chairman and the OMB rather than to look at both sides of the story and to reach the truth.

A North York group had also received similar treatment as we had from that same chairman. For that reason, several representatives from that group chose to attend part of our hearing. They observed that we were treated equally as badly as they had been and they too wrote a letter of complaint. The reprimand we got from the chairman was totally unexpected and unwarranted. Since then we have been in touch with another group which was subjected to the same outrageous treatment, so we know that there are other groups who have experienced this.

It appears that this is not unusual behaviour for this particular person, regardless of whether the citizens have legal representation or not. It would be hard to believe that all OMB chairmen treat citizens in such an offensive, discourteous manner. In fact, we are personally aware of at least one OMB chairman who was willing to listen to the citizens. That was the first time when I went to the OMB. We were treated with respect and we were listened to.

1650

Unfortunately, though, through contact with others who have appeared before the OMB, regardless of who the chairman is, we can only conclude that to appeal council decisions to the OMB requires more time, money and total commitment to the cause than most private citizens or privately funded groups can afford. With all the obstacles to be met, even before a hearing, why would citizens want to subject themselves to the potential harshness of a hearing? For those people who might want to follow through, most would not have sufficient time, money or energy left to appeal a council decision, let alone to fight an unfair OMB hearing, and of course they would need the expertise to do battle with the bureaucracy.

Because we believe so strongly that the developments received approvals they were not entitled to, we have continued the battle despite the roadblocks put up by the political system, the roadblocks being that an agency can go through the motions of a planning process without really giving consideration to the evidence being presented and then no one being willing to take the responsibility for the consequences.

In our efforts over the past two years to have someone address these problems, the first problem being the chairman's behaviour and the OMB's response to that and the second problem being to get answers to the questions raised, we have had no success. The response has been that it was not within the jurisdiction of the agencies contacted or that the planning process was followed and therefore we have to accept the outcome.

We understand the OMB is making attempts to reduce the number of cases coming before it and to shorten the time involved in each case. We think it has already found the formula to meet that goal. Whether or not the resulting decisions are fair or just does not seem to matter. But this does not meet the criteria under which we believe the OMB is supposed to operate.

The planning process failed both at the municipal level and at the provincial level. No one is willing to accept the possibility that the concerns raised by us could be legitimate. The OMB failed in its duty to the public. This conclusion is not the result of the decision reached, but rather

the manner in which the hearing was conducted and the manner in which the decision is written. Based on reading Hansard and the comments made by John Kruger and Peter Howden, it can be concluded that what they believe happens during a hearing and the reality of the situation are two different things.

I have a number of recommendations.

Transcripts of major cases should be made, and once citizens are granted a hearing, it is to be expected they have legitimate grounds. Therefore, the citizens' questions relating to the issues must be answered. Greater effort must be made by the OMB to try to understand the point the citizens are attempting to make. Peter Howden of the OMB acknowledged before this committee that citizens may have difficulty competing with planners and lawyers.

The chairman must fulfil his duty by ensuring that the issues are addressed and that the opposition not be allowed to attack the appellants on a personal level. The chairman must follow OMB guidelines and not set his own just because he does not agree with them. Citizens have the right to expect that these guidelines will be followed. Transcripts would ensure that members would not stray too far in this regard, or if they did, they would have to account for their actions.

Chairmen must reserve their comments regarding the issues until all the evidence is in. Personal comments are not appropriate at any time. To show bias is not appropriate at any time. Transcripts would aid in monitoring this.

Pre-hearing mediation might benefit all parties.

There should be greater consistency in decisions. At present, it appears that the type of decision one gets could be related to the chairman hearing the case.

Citizens appearing without legal counsel must be treated with equal consideration as those who do have counsel. Otherwise, many people without the resources to pay for such counsel would be denied their rights. According to statements made by Mr Kruger and Mr Howden, this is the way things are, but our experience indicates otherwise. As citizens have already paid their taxes to have planners look after matters of development, citizens should not be expected to have to provide more dollars to hire lawyers and expert witnesses to appeal matters. If the grounds for appeal are legitimate and a hearing is granted, then we would suggest that something went wrong at the municipal level.

The reality of the situation appears to be that the city can do whatever it wants and get away with it. Very few citizens have the knowledge to determine if these actions meet acceptable criteria; that is, the Municipal Act, the Planning Act, etc. Citizens should not be penalized for this. It must not be left to the citizens to attempt to compete with city planners in resolving such matters, nor should citizens be expected to compete with development lawyers. It should not be the responsibility of citizens, lacking in planning expertise, to monitor the actions of city planners or council, but that is the planning process and the citizens are at a distinct disadvantage.

Considering that the particular chairman who heard our case is a vice-chairman of the OMB and that his actions are so far from the guidelines, we are at a loss.

Do you have any questions?

Mr Frankford: Just to give you a chance to elaborate a bit on what you said about transcripts: You may have heard my question to the previous group.

Ms Coxhead: Yes.

Mr Frankford: Would you like to comment on their response?

Ms Coxhead: First, private citizens do not know the ins and the outs. We ask questions before we go down, trying to find out what is expected of us. We took it for granted that there would be a recording. We should never have assumed anything. That is one of the laws of nature: Never assume anything. We made a mistake there. We were rather surprised that there was no transcript. Today I heard that had we wanted, we could have had it. It would have been costly, and any money for this has come out of my pocket and the people—Dennis Piper, who is my partner in this. We just did not have that kind of money, even if we had had the opportunity. We thought it was part of the process.

Mr Frankford: You have had some correspondence and some people who were witnesses have raised questions about the way you were treated. What response have you had?

Ms Coxhead: The response has been, "It's not in our jurisdiction."

Mr Frankford: So their evidence has been discounted, has it?

Ms Coxhead: They are all passing the buck. It is just going from one desk to another, and we are getting our knuckles rapped for daring to even challenge.

Mr McLean: Have you had any written replies to these letters you have sent? Have you had written correspondence back from Mr Kruger?

Ms Coxhead: What letters are you referring to, sir?

Mr McLean: There were some you had written here.

Ms Coxhead: I have written many, yes.

Mr McLean: You wrote one to David Warner, you wrote to David Peterson and I am sure you wrote to Mr Kruger. I would be sure of that.

Ms Coxhead: Oh, yes.

Mr McLean: Have you ever had any correspondence back from any of them?

Ms Coxhead: The answers come back. David Warner has been supporting us, and he has been encouraging us. I believe it is through David Warner that we are here today. Mr Kruger has answered, yes. We get answers. We get responses, but they are: "You had your day in court. The planning process was followed. Forget it. Carry on with your life."

Mr McLean: I would have liked to see those responses to some of the ones that were written, how they are defending themselves. I have no idea. All I am hearing and seeing is one side of the story. I do not see letters in reply, for them to say that they were right or that they were not wrong.

Ms Coxhead: I am sorry. I could provide those at a future date. What I am saying now is that I have been told

basically, "The planning process was followed and you have no grounds for complaint."

Mr McLean: You have certainly done a lot of work on it.

The Chair: Thank you very much for appearing before us, and certainly we will take your testimony into consideration when we make our final report.

Members, as our agenda indicates, the next part of the meeting is devoted to closed session discussion. I am going to have to ask the public in attendance if they would kindly leave the room. We would very much appreciate it.

The committee continued in camera at 1701.

CONTENTS

Tuesday 6 August 1991

| | |
|---|-------|
| Agency review: Ontario Municipal Board | A-517 |
| Concerned Citizens of King Township Inc | A-517 |
| Canadian Environmental Law Association | A-523 |
| Canadian Bar Association—Ontario | A-530 |
| Joan Coxhead | A-537 |
| Continued in camera | A-540 |

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Agency review

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Table of Contents

Table of Contents for proceedings reported in this issue appears at the back, together with a list of committee members and other members taking part.

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La table des matières des séances rapportées dans ce numéro se trouve à l'arrière de ce fascicule, ainsi qu'une liste des membres du comité et des autres députés ayant participé.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 7 August 1991

The committee met in camera at 1000 in committee room 1.

1045

AGENCY REVIEW

Resuming consideration of the operations of certain agencies, boards and commissions.

DISTRICT HEALTH COUNCILS

The Chair: Come to order, please.

HAMILTON-WENTWORTH DISTRICT HEALTH COUNCIL

The Chair: The witnesses are from the Hamilton-Wentworth District Health Council. Please identify yourselves and your responsibilities with the health council.

Mrs Nagawker: I am Nancy Nagawker, the new, incoming chairman of the district health council, appointed on June 1. I apologize for the sound of my voice, but there was nothing much I could do with it after this morning. Dr Susan Watt is a member on council and has been on the consumer portion for two years. Linda Dayler is the assistant executive director of the DHC. We also brought with us a new planning staff member, Marion Emo.

The Chair: Do you have an opening statement you would like to make? Please proceed.

Mrs Nagawker: We are very pleased to be here today to talk with you about the Hamilton-Wentworth District Health Council. Our presentation is divided into three parts. The first is a very brief overview of the district health councils in general; the second is a specific review of the Hamilton-Wentworth DHC; and, finally, providing a summary of achievements, challenges and goals for the future.

We understand that your briefing package will contain some information that will overlap with our presentation, so to keep within the time frame we will take the liberty of moving through the introduction rather quickly and highlighting only as we go. Also, we have had a quick change in the course of presentation today because of my obvious throat/voice problems. We have coerced Susan into doing the presentation this morning for us. She will be doing most of the presentation, as is somewhat obvious, to save you from listening to me for most of the morning. I will let Susan assume the presentation now.

Dr Watt: There are 28 DHCs in Ontario that are assigned to six provincial areas. There are five DHCs which include health science facilities. Hamilton is one of those health science facilities. The others are Toronto, Ottawa-Carleton, London and Kingston.

The DHCO, the District Health Councils of Ontario, is a newly formed association of district health councils established to strengthen the capacity of DHCs to undertake

comprehensive planning and to become active partners in regional and provincial planning.

The Hamilton-Wentworth District Health Council is located in the central-west health planning area, which consists not only of the regional municipality of Hamilton-Wentworth but also Haldimand-Norfolk, Niagara, Brant, Waterloo and Wellington-Dufferin. We are located at the tip of Lake Ontario, not too far from where you are sitting.

The members of district health councils, as you may be aware, are appointed by order in council and they represent either consumers or providers in the community. Each council has a small core of professional staff and within this framework each DHC has considerable leeway to structure both its organization and programs to the health care needs and issues of its own community.

The primary functions of the district health councils are to identify health care needs, to monitor the health care system, to plan and co-ordinate health services, to promote social development and to advise the Minister of Health.

Today, health care issues have a prominent position in the public eye and it is increasingly important, we believe, that we manage our health care system effectively. Some of the issues that we as a council believe to be important are escalating costs, the growth in high-technology utilization, equal access to service, changes in federal funding formulas and the reforming of long-term care. The challenges which these issues hold for DHCs and their communities include things like determining the most appropriate location for care, questions of decreasing the use of institutional resources, determining the most appropriate distribution of services, the balancing of consumer rights and consumer responsibilities and the inclusion of more citizen participation in decision-making in a meaningful and productive way.

The challenges before us lead us to consider new roles for the DHC as promoted by the Ministry of Health. Our council, like other district health councils, has begun to explore the ways and develop the means to accommodate new roles, and this has led us to highlight some of the new activities which we believe will develop in these directions.

As a result of a comprehensive consultation process, our council has revised its mission statement to emphasize the fact that it is a community advisory body which works in collaboration with other planning bodies and is committed to an equitable partnership among providers and users of service. The consultation process included a strategic planning process and includes, in an ongoing way, retreats, workshops and consultations with providers and consumers within the health care system as well as in the social service sector.

Much of the work done at council is carried out by volunteers. The importance of the volunteers in the organization of district health councils really cannot be underestimated by this committee. The involvement of volunteers in

the health planning process enriches both the quality of the plan itself and the community understanding of the complexity of the health care system. Enhanced community knowledge and understanding, we believe, are absolutely essential if we as a community are to manage our health care system in a responsible way. Volunteer involvement, however, takes time and training and support, both from the organization and the volunteer, because volunteers do not come fully dressed in traditional bureaucratic expertise.

In our current structure, we have six standing committees, as are listed. We have chosen to highlight for you, for purposes of example, two of those committees, the community health planning and the joint action committees.

The mandate of the community health planning committee is to provide a forum to develop a co-ordinated approach to community health planning. A wide range of representatives from health and social service agencies participate in this process. Two examples of the health issues that have been dealt with recently by this committee are AIDS and the ethical policy manual, which you may have seen, that was developed out of the Hamilton-Wentworth region, and also strategic planning in palliative care for our area. Emerging community health issues for this committee include women's wellness and the health of the homeless.

The joint action committee is a forum for discussion and for information-sharing among Hamilton area hospitals and institutions and serves as a vehicle, when it is appropriate, for joint action among those organizations. The Hamilton-Wentworth District Health Council has consistently been able to bring the hospitals together to discuss their plans, review their proposals and co-ordinate services and programs within the institutional sector.

The main focus of this committee and its subcommittees over the last 10 years has been the regionalization and rationalization of health services, an area where Hamilton-Wentworth has been a leader in the province in ensuring that health services are comprehensive but are not duplicated. This collaborative planning has been established as standard practice in Hamilton-Wentworth and has resulted in major projects for which we are known, such as the central bed registry and the agreement on the purchase of a magnetic resonance imager for the Hamilton area, which was a consortium agreement among our hospitals.

We would like to give you a bit of context to understand how and why we do what we do and particularly how we plan in our region. We deal with six area municipalities and heavily involve our local government in planning. We are a very diverse community culturally, which presents very special challenges in health planning. We are a designated francophone community.

The age structure of our community tells us that by 2006, from the best projections we get from our health science centre, 68% of our elderly population will be over the age of 85 years and therefore fall into that group of frail elderly we worry most about in trying to plan appropriate services.

Our region also has a changing employment base and a restructuring of its economic foundation. That should not be news to you if you look at where jobs are being lost in

communities around this province and you look at the industrial base that serves Hamilton-Wentworth coupled with its farming base. So we are looking at a number of restructurings of the economic base in the area we serve.

One in four persons in our community is in receipt of some kind of social assistance, which includes welfare or family benefits, unemployment insurance or disability allowance. We also have concerns about the critical state of child poverty in our community and the long-range implications for the wellbeing of these individuals.

We want to present to you a picture of the complex interrelationship in our community as it pertains to health planning. This circle depicts the entire universe—we always start in Hamilton within the universe—and the outer circle represents all the factors that influence and affect planning in our community.

Hamilton-Wentworth supports three hospital corporations encompassing five active treatment hospitals, as well as a provincial psychiatric hospital and a designated chronic care hospital for persons over the age of 65. As we have mentioned, the DHC, in collaboration with these hospitals, was one of the first in the province to rationalize health care services, the result being the elimination, we believe, of the duplication of costly services. For example, one of our hospitals is designated an adult trauma centre, another is a neonatal intensive care and high-risk pregnancy centre and another handles renal dialysis. It is also important to know that some of the hospitals are also designated as regional or provincial centres for specific services. For example, the regional or central-west program trauma centre is indeed the Hamilton General Hospital. So the Hamilton-Wentworth District Health Council has been involved with the hospitals in the development of plans not only for our local area but also for its regional service plans.

Some of the hospital issues that the district health council has initiated and will play a lead role in in 1991-92 include a review of emergency services in Hamilton-Wentworth, a chronic care review and a strategic planning process for palliative care in our region.

Hamilton-Wentworth has a rich network of community-based services. We have a well-established social planning council, an agency that plans and co-ordinates children's services and an active multicultural community. Throughout the years, the DHC has played a role, and a very active role, in the promotion and development of community-based health care services. Some of the accomplishments include a multicultural health care needs study, a partnership with the region and McMaster University in sponsoring workshops on healthy communities and establishing a regional sustainable development task force. We, as I have indicated, will be working on women's health care issues in the coming year, and we are just completing a mental health multi-year plan and an addiction services study and plan for the region.

We believe we are indeed fortunate in having an excellent working relationship with our regional government and with the Ministry of Community and Social Services. They have invited our participation in many of their health and social service endeavours and they have actively participated in many of our projects and planning processes. We are

particularly proud of our joint three-year seniors' study. The study focused on finding solutions to seniors' needs and integrating health and social services in addressing the needs of seniors. The DHC, in co-operation with the region, has recently completed an assessment of the needs of the disabled in our community.

McMaster Faculty of Health Sciences assumes a leadership role in providing education, research and new knowledge through the entry of clinical services. Since the beginning, the DHC and the health services committee have enjoyed what I would characterize as a supportive and productive relationship, enhancing each other's ability to perform their respective jobs.

Progressive health care planning and services cannot be divorced from research or new knowledge. The DHC is the broker often between the Faculty of Health Sciences and the Hamilton-Wentworth community. The DHC fosters and promotes public accountability within the Health Sciences Centre. Premier's Council money could lead to other exciting endeavours by creating a forum to bring partners together where we have a role in helping community agencies to become involved with research undertaken by academics within health sciences or other areas of the university.

The Health Sciences Centre and the DHC collaborate on the development of complex multifaceted regional programs which involve a number of health care professionals and institutions. This process of regionalization is achieved by the appointment of a co-ordinator by the DHC and Faculty of Health Sciences to manage specific programs in the network. Some examples of that would include our regional co-ordinator of emergency services, regional co-ordinator of geriatric services, of palliative care, of trauma—the list goes on for all regional services.

In future the DHC will continue to develop linkages with the Health Sciences Centre through its partnership with the faculty and the Halton District Health Council. A five-year project recently funded by the Ministry of Health supports research into interventions with individuals with chronic conditions, and those are both health and social conditions.

Working together with the Health Sciences Centre enhances our capacity as a district health council to plan realistically, based on the needs of the community.

The DHC is the only organization amidst this myriad of planning bodies that has, as its major mandate, health planning. We play a pivotal role in linking hospitals, communities, government, health sciences and consumers. From our vantage point we see issues in their early stages and are equipped to respond, or at least to identify those who should respond, to these issues. We are a catalyst, facilitator and advocate in local health planning.

Community health planning is a complex task. In a large urban centre with many competing priorities, pressures and interests it becomes as much an art as it is a science. Our presentation would not be complete if we did not identify some of the obstacles we face.

First, to the public at large, the DHC remains largely unknown. Even those who know us are frequently unclear about our role, mandate and authority. We are delighted the DHCO has accepted as a major priority improving

communication between DHCs and key stakeholders in the system. We as a council are committed to enhancing our community's knowledge about us.

Second, sometimes our relationship with the MOH is problematic. There are discrepancies in priorities between district health councils and ministries of health, and that is to be expected. This is natural, given the milieu in which we operate.

There is often a problem with time lines. The ministry expects the district health councils to identify and review issues and proposals within an often unreasonably short time frame. While councils are committed to providing reliable and factual advice with community input which reflects the needs of the community, the ministry must acknowledge that this process takes time. We have not had data collection automation until recently, so it has often been a problem to secure information which the ministry has requested. Time lines for voluntary organizations have to be longer than when you can point your finger at a bureaucracy and say, thou shalt before thou leaves today. You cannot say that to a group of volunteers.

Mrs Nagawker: Or yesterday.

Dr Watt: Or yesterday. Yes, usually it is "yesterday" when we have a problem with it. "Today" we can often accommodate.

Conversely, the community needs to understand that policy and program development can also take time. Communities and families do not understand that they have to wait for policy development to catch up with needs. For example, right now we are working as a broker with the community and the ministry about the redevelopment of chronic care beds.

Furthermore, there are still inconsistencies in the use the ministry makes of district health councils. This has improved in the past year, but on occasion our planning role still is bypassed or not given enough time to work properly. It is not so much that we are not asked, but it can happen that we are asked for comment yesterday. This adds further to the community's confusion about the role of the district health council.

Recently the role of the DHC has received much discussion, and while we applaud this debate, we wish to actively participate in it. We hope that sooner rather than later there will be a clear restatement of our purposes, our enhanced roles and our accountability.

As we look to the future with optimism, we are particularly pleased in Hamilton-Wentworth with the Premier's Council on Health Strategy's report. We support the direction and the commitment to healthy communities and look forward to our participation in working with our community to achieve these goals. We believe the DHC has both the expertise and the enthusiasm to be a key proponent of achieving these objectives.

What we have presented is a description of how we presently achieve our shared objectives, yours and ours.

Finally, we would like to share with you a draft version of our goals, which we believe will enable us to continue to provide sound health planning advice to the minister, to participate with our community in-house planning, and to

actually be part of creating healthy communities that we all want to live in.

Our goals include the identification of health needs, leadership in the development of planning to meet those needs, co-operative planning with social services, community management of health and social services, partnerships between the public and the providers in planning and co-ordinating health services, and enhancement of public awareness related to health issues and resources in Hamilton-Wentworth.

1110

Mr McLean: How many requests in a year would you get to react to a government request? You indicated in your remarks that you would get it to do today or, you said, yesterday. How many requests would you get from the minister to act on a certain item?

Mrs Nagawker: That is an interesting question.

Mr McLean: You brought it up.

Mrs Nagawker: I know.

Dr Watt: There are really two categories of requests. There would be those that come out with a long perspective: "Would you look at the needs of disabled in your community? You've got three years; give us a proposal for budget." Those would be the standard kinds of planning requests.

Then there would be more immediate things like, "Give us an evaluation of this particular program that we're proposing go into your region, and we'd like it a week ago last Sunday, please." We average—

Interjection.

Dr Watt: Of that kind of request? Once a month?

Mrs Nagawker: We have a short consultation maybe once a month.

Mr McLean: That is fine. I have another question. You seem to have a close liaison with the university. Why is your association with them so major, it appears to be? Is it the medical side of Hamilton university?

Mrs Nagawker: It is not only the health sciences faculty, by the way. We have liaison with other faculties within the university, but our major liaison would be with health sciences, which carries programs other than medicine. It carries now physiotherapy, occupational therapy, nursing and medicine.

If one lives within a region with a health sciences centre in it, it would be naïve to think that the centre did not have a major impact on the health of the community, because of the services or the expertise it brings to that community. So in bringing on manpower, new physicians, new experts, new researchers, they have an impact on that community and we must know where that impact is.

Mr McLean: What would a district health council do that did not have any university in its area?

Mrs Nagawker: Probably a little less work than we do, but to be not facetious about it, it would not have to worry about the level of the expertise coming in, or the researchers, or new programs being developed or proposed as frequently. It does not have, probably, nearly as high-tech

development of programs or the volume of programs available. I do not know if you want to add anything.

Dr Watt: It would also have problems. For example, what happens when you have to send people out of your region for all this high technology? What kind of planning are you going to do for long-distance ambulance transport services or helicopter transport services for critically ill patients who are going to be ferried to health science centres, as we have, the problem of what we do with people who come from out of region and we have to plan for their care both in hospital and out? So it is a tradeoff between them. They are different planning issues. Perhaps the volume is the difference in the nature of it.

Mr McLean: I just have two short questions. When does your health council meet, daytime or evening?

Mrs Nagawker: Three to five, approximately, in the afternoon; late afternoon, early evening.

Mr McLean: Do you have a problem getting your volunteers out, the ordinary layperson?

Mrs Nagawker: No.

Mr McLean: The other question I have is, how many paid staff do you have?

Mrs Nagawker: We have an executive director, an assistant executive director, two planners and three secretaries.

Mr McLean: Would the directors' salaries be the same pretty well across the province?

Mrs Nagawker: Yes, I would think so.

Mr McLean: How much does your executive director make?

Mrs Nagawker: In the region of \$75,000.

Mr McGuinty: You referred to a program I understand you have implemented which acts to either eliminate or substantially reduce duplication of services offered by different hospitals. I have four major hospitals in my riding and one smaller hospital and they seem to be conducting an ongoing campaign to provide different kinds of services, a number of which duplicate.

There are some surgeons who seem to me to spend more time at press conferences than they do in the operating room, in order to—and I do not blame them for this—raise the profile of a particular department that falls within the hospital they happen to be working out of. So I am interested in hearing a bit more about your programs to reduce duplication.

Mrs Nagawker: Early on in the history of the development of councils in Hamilton, it started with a hospital council. So the history had already been well established in the past. They recognized pretty quickly that there was only a certain amount of money going to come to the area and how, number one, were they going to attract and develop the programs?

If we wanted that program in the area, we had to settle on a method, a process of determining which centre was going to have it. At that time they pretty much hammered out a practice of making a proposal that was jointly agreed upon prior to the proposal coming out. In other words, the hospital group meets at joint action, etc, and they hammer

out between themselves who is going to present what program and what hospital will be looking after what areas.

Much of that work had been done early on in the past. It has become established practice now for us to carry out more than a new practice that we are concerning ourselves with. A new physician would not come to Hamilton not knowing that he may have to negotiate and it is a process of negotiation within those hospitals.

Mr McGuinty: Do you have any authority to coerce hospitals if, let's say, you had competing demands for services that would in essence be a duplication? How do you deal with that?

Mrs Nagawker: Actually, in truth I think if we were to look at it seriously, I do not know if anyone has any authority to coerce. The ministry's authority lies within the funding arrangements. The best authority it has is just not to fund, or it withholds funding to hospitals. But in truth, hospitals are independent facilities with community boards and they make their decisions on what they will do with their funding. Does anyone else want to add anything to that?

Dr Watt: What we can do is we can cajole. We do a lot of that. We take a lot of carrots around in our community. We make people sit in the same room and we have joint action and we do not let them get away with planning without getting that out into the open early in the game so that it is not a fait accompli when it comes to council. It also, as I indicated, has become the process that new programs come to council for public debate. Once it is out in the community, we use community pressure to make them look at this again and talk about where they are going to provide the services.

Mrs Nagawker: Just to add to that, besides which, if it is a program that we have determined that we want for that community and that we do not want to lose the opportunity of getting it, then we have to negotiate with them and say, "We can't afford to lose this program to this community, so settle down and get on with organizing negotiating."

Mr McGuinty: Given that you have limited funding, I gather at times you have to make decisions whether you are going to give priority to equipment or to human resources. I met with a group of cancer patients recently and they told me that what they would like to see is more basic care, such as being turned in their beds, more bed baths, for instance, rather than some sophisticated piece of equipment. What criteria do you use in determining where you are going to fund in terms of equipment or care, human contact?

Mrs Nagawker: The new funding proposals we see are program related and so they would have a package of funding within them that would include operating human resources, supplies and equipment. The programs we see now are really more packaged than to say, "If we buy this piece of equipment, we can't fund the human resources." I do not know if I am being clear about that.

On the other hand, if you look at funding where it is the hospital basic care that is being given, those are not the issues that would be brought to us. That is an internal issue for that agency to deal with. We would have to turn it back to them. If we are advised of a particular issue within an agency, we turn it back to it and ask either for clarification

or for correction if that is the issue. Most of the funding proposals now come as a package with all of the parts in it.

Dr Watt: It should also be clear that we have nothing to do with hospital global budgets and the funding of existing programs. We see new program proposals, not existing programs. That is a different issue.

1120

Mr Frankford: Could you say something about the relationship with the health unit or would your area cover more than one health unit?

Dr Watt: We deal with one, Hamilton-Wentworth, in our area. We are responsible for taking a look at its annual budget, the proposal for its budget. We have an ongoing, pretty close relationship with the Ministry of Health and with the planning staff in that area. We see their programs and their budget on an annual basis and frequently more often if there is a public health issue that we are working on. We seek the advice of our MOH on a very regular basis.

In the appointment of the MOH, the executive director of the district health council was part of that search committee and we often use interlocking search committees at senior levels, both within health science and other areas to give the DHC some influence and involvement in other areas. We are involved extensively with that. We use some of their information for planning as well as using health priorities analysis unit which is housed there, but is a university research agency. We use all of those resources on a regular basis.

Mr Frankford: You said you approve their budget.

Dr Watt: We were asked for advice on their budget. We do not approve their budget because it goes to the region.

Mrs Nagawker: They present their full budget to the full council. It is a fairly extensive review with questions as to what programs are in their mandatory group of programs and which are their priority within that group, and we give our view on those.

Dr Watt: These are the enhancements to it. District health councils are charged with new or changing patterns of health care, not ongoing baseline health care systems, so we would look at enhanced programs under local planning authority and quite in detail. It goes to a subcommittee, it is torn apart, it is argued and it does that before it goes to regional government.

Mr Frankford: Do you get any tensions there? Are there disagreements about what the health unit thinks should be done and what—

Mrs Nagawker: I can give you an example. The francophone member of council indicated they thought that the strength of the public health nurse intervention in a French-language immersion school was not what it should have been. So the presenters were sent back to fill in that material for that person and for council. They came back with a different proposal as to what they would do to try and obtain public health nurses who are francophone, French-speaking, etc. There can be tensions and there can be some things that we want to see either highlighted or developed in greater scope.

Dr Watt: We may also ask for them to do future planning. For example, as the result of our study on the disabled, we have gone back and said, "When you're looking at your new initiatives for next year, we want you to pay some attention to these things." If they do not pay the kind of attention we want them to pay to it, then we can follow up when we see their plan and ask for some accountability on that.

Mr Frankford: Briefly, what about your ability to affect medical practice in the community, what doctors are providing out of their own offices?

Mrs Nagawker: The medical profession as you know is a self-regulating profession and it has its own group of standards, if you will, that they must practice by. I am not sure that anyone other than their own profession at the moment has influence on what they actually do, other than the medical-legal issues involved. As far as their interface with the agencies and with the health of the community is concerned, it is a negotiation issue. If they wish to do something within the community that is different than normally, they would bring that to health council or put it through one of the agencies through which they function or practice. They are private entrepreneurs in their offices.

Mr Frankford: They are working in a public system. Would one not think that perhaps they are the greatest resource or one of the major resources, let's say, of information about disease in the community?

Dr Watt: No, they are only a source of information about people with diseases who come into their offices, and that is not necessarily a reflection of some of the major problems in the community.

Mr Frankford: Although if they have registered populations like the significant number of health service organizations you have in Hamilton.

Mrs Nagawker: Yes, that is not the individual practitioner out in the community in his private office. I suppose the only way in which they have been more recently influenced will be through the government negotiations with the Ontario Medical Association around the financing of physicians' services in the province. That will have a big influence on what they do, I suspect.

Dr Watt: Although the information systems are getting better, they are still inadequate to be able to track exactly from utilization what is going on. Utilization is one issue; disease is quite another. In HSOs they are not necessarily geographically bound. I am involved with a research unit with an HSO that is located outside Hamilton-Wentworth and almost 40% of the patients in that HSO live in Hamilton-Wentworth. They, however, work outside of Hamilton-Wentworth and belong to an HSO that is closer to work. It may tell you more about that. The ministry also is developing some pretty good kinds of information systems, but they are not yet useful to us as a local planning authority. We have some hope they may become useful to us.

Mr Grandmaître: Your role is an advisory one to the Minister or the Ministry of Health, responsible for long-term planning. What has been your involvement or your participation in the Social Assistance Review Committee report?

Mrs Nagawker: I am sorry; in which report?

Mr Grandmaître: The Thomson report or the SARC report; long-term care. What has been your involvement or your participation? The Social Assistance Review Committee.

Mrs Nagawker: I understand what you are saying now relating to that report. It was from social services, was it not? The council did review the report and passed on its comments, but that is all. It was limited just to a very quick review and comments submitted.

Mr Grandmaître: In other words, you did not participate in the long-term—

Mrs Nagawker: No.

Dr Watt: The response to the consultation went through our local Social Planning and Research Council of Hamilton and District, and we participated in that we responded to them initially and got our input in that way.

Mr Grandmaître: Since 1989, the then minister extended the role or the responsibility of the DHCs across the province. What have been the differences since 1989? What have you seen, what results or what accomplishments? What has it done? Are there any improvements since 1989 as far as advising and your communications with the Minister or the Ministry of Health are concerned? Has it improved? Do you think you really have more power, or it is only on paper?

Mrs Nagawker: I do not think its intention is to give more power. Its intention was to enhance the role of the district health council in four specific ways. In most of those locations, district health councils have been spending the last year, approximately, trying to determine exactly what their role and responsibilities would be within the enhanced roles as described by the ministry. Probably within the province the most significant area would be the partnership issue between public, consumers, interest groups; certainly enhanced collaboration with the Ministry of Community and Social Services, although DHC in Hamilton-Wentworth has had a fairly long history of collaboration with Comsoc in nearly every area.

Our subcommittees have membership from Comsoc on them, and mostly community agencies, so within our particular agency we have seen some progressive change. I think most of it for the province, though, will be in that collaborative relationship. Power is not the issue as yet. Any other comments?

1130

Dr Watt: In some ways the enhanced role has validated what Hamilton-Wentworth had been doing for a long time. We were able to go far more public in that collaboration, but we have been involved with it from the beginning. It was one of the things that I am sure made us a thorn in the side of many of the MOH staff. But also we thought we were quite progressive in the way we were heading, and certainly needed, in our community.

Mr Grandmaître: Some councils feel they are being ignored by the ministry or the minister. District councils are supposed to advise the ministry as to the priority and special needs for your area. I should ask you very plainly,

how many times have your recommendations been turned down by the Ministry of Health?

Mrs Nagawker: Our role is to advise. Nowhere is it written that the Ministry of Health has—

Mr Grandmaitre: But you do have a list of priorities as far as programs are concerned?

Mrs Nagawker: Yes, we do. I would re-emphasize and reinforce that the role is to advise. We have not been turned down very often, but what would happen is that there is not any response at all.

Mr Grandmaitre: No response?

Mrs Nagawker: We do not know whether it is a turn-down, a delay or whether it just has not gotten anywhere. In the last four years of my history alone with DHC, I have four letters of appointment from four different ministers of Health. I think it is pretty hard for a new Minister of Health to be able to catch up with and make some decisions around a lot of these programs. They are very complex, especially for a complex situation such as ours.

I would not suggest there is a deliberate delay or a deliberate ignoring of the needs. I just think that, within the context of changing government and changes in the bureaucracy, it is probably very difficult to do anything else. That is not making excuses for them, because I do not think there is an excuse for not having a return of information requested or for information sent as advice. But we are living in the real world and that is the reality of the situation. I do not think it is so much that we were turned down; it is just the delay in responding: A new minister, a new government, the Ministry of Health has reshuffled its bureaucratic structure, there are new people responding to new places and faces and they all have to be able to get familiar with all the issues within that region.

I think that is a problem, but I do not think it is the other way around. Their mandate is not to respond to us, although we would like it that way, obviously. The community would like it. The local community wants it that way. They see it as taxpayers. They want the response and we say the tension arises in not having that response as timely as the request that has come in.

Dr Watt: We have also decided that we are going to proceed to plan, whether or not Queen's Park requests that. Because they are waiting for something, that does not mean we have to. We set priorities in our community. That is what we are charged with doing.

Mr Grandmaitre: That is right.

Dr Watt: During some of the turmoil, it does not mean we have to have the turmoil in our organization. Again, I reiterate we expect that to happen. We are not dependent on that. It does not have to filter down the system. I think the ministry officials would tell you that Hamilton-Wentworth never allows itself to be ignored. We may not like the answer, but we are never ignored by the ministry.

Mr Grandmaitre: And your relationship with your three hospitals and regional council has been good?

Mrs Nagawker: Excellent, yes, truly. That does not mean it has always been quiescent. We have some reasonably fire-breathing discussions, but we come out with an

agreeable negotiation and that is the important thing. It is not that we all talk the same or say the same or believe the same, but we must agree on the most effective use of resources and that is the important thing.

The other thing is that we want to be a little more proactive so we are ready and can anticipate some of the things that may come from the ministry. That is always a better position to be in. We have our ducks in a row and we are ready for the question when it comes in. That is another one of our objectives, to try to do that. Sometimes it is a little difficult and we are fast-peddalling to keep up.

Dr Watt: In a health science centre it is easier to do that because of the resources of the university. The university is a leading-edge university in a number of areas. We use all those areas so that we can anticipate. We get the same reports the ministry gets too and we read the journal articles. It really is very helpful.

Mrs MacKinnon: Thank you very much for your presentation. I have one short question first. I have never heard of a central bed registry. Is this pretty well across the board or is it just a case perhaps of your doing it and not somebody else?

Mrs Nagawker: No. We have had it for a number of years now. In Hamilton-Wentworth we had the first central bed registry. The Toronto region now probably has one after the major kerfuffle around a lady from Midland who was transported down to somewhere in this area that did not have a central bed registry and nobody knew where to place her. The bed registry allows us to know where the open beds are, in what circumstances—

Mrs MacKinnon: So is that more or less provincial?

Mrs Nagawker: It is going to be adopted provincially, but it started locally in Hamilton-Wentworth.

Mrs MacKinnon: Thanks. When I heard you say it I had not heard of it before. That is why I asked about it.

I heard you refer to seeing the budget for the health unit in Hamilton-Wentworth. This is quite a bone of contention in my riding because health units are volunteers.

Mrs Nagawker: No.

Mrs MacKinnon: Excuse me; DHCs are volunteers; health units are hired people. How do you feel about the election of people to health councils as opposed to the appointment procedure that is going on now, being elected just like I was?

Mrs Nagawker: The council, along with regional government and the faculty, promoted a study we did on behalf of geriatrics and co-ordination of services for the elderly, actually, which described a mechanism of a planning body that would be in place which would have perhaps one third consumers, one third providers and one third elected officials. We have made a foray, if you will, into that sort of discussion about the what-ifs of that sort of package. I must tell you that a good portion of our council would very seriously look at elected officials in providing a council. That in their eyes would be more accountable to the public because it was elected. But not all of it would be elected. It would have to be a balanced mix of people within that planning body. But we have only had very, very

preliminary discussions and what-ifs about it. Whether it ever gets anywhere I do not know.

Dr Watt: The flip side of the argument being that if all of the DHC were elected, then health planning would become purely a political issue. There needs to be the expertise brought by volunteers, both the providers and consumer volunteers. This is an ongoing budget item. We do not believe necessarily that it should be just who can garner the votes for it. We really are concerned about what the US has called the orphan diseases, the less-than-popular disease-of-the-month club. There is real pressure put on from disease-of-the-month clubs to get whatever somebody wants. Interest groups provide a lot of political pressure, and if one is elected one cannot help but respond to political pressure. That is the nature of the game.

The nice part of being appointed but part of the general public is that I as a consumer can say exactly what I think. I am accountable because it is publicly reported, but it is not dependent on being elected the next time. I can say things like, "Is this a disease of the month?" and, "Whose vested interests are really being served here, guys?" and ask some of those tough planning questions that have to be asked in health care. A number of us also share the perception Nancy has told you about that some kind of balance is needed, that either/or probably does not serve the best interests of health planning and that some kind of different balance may work a bit better.

We have regional government representatives on our district health council. They have an important input to it and are publicly accountable, and we hold our MPPs pretty publicly accountable in Hamilton-Wentworth too.

1140

Mrs Nagawker: Just to sum that up, we see ourselves really as an honest broker and we can be at arm's length from the ministry, from government, from the providers and from vested interests in the consumer groups or whatever, so I think that is an important aspect as well.

Mrs MacKinnon: I just have one more question. How do you ensure that there is a cross-section of your community represented on the councils? I am sure you get people who come forward and volunteer their services. I have a very, very rural community. Unfortunately we do not have very much, if any, rural representation on that district health council, and that disturbs me. I also live in an area where there is a lot of industry. What about the people who carry the brown lunch bags and the lunch buckets? How do you get representation from them? Let's face it, I will bet a lot of my people could not go to an afternoon meeting from 3 o'clock to 5. Only bankers could do that.

Dr Watt: No, you have to live in a shift community.

Mrs MacKinnon: Yes, we have shifts too but I think some of them would get upset getting there. With 12-hour shifts you cannot.

Mrs Nagawker: That is one of the unique, I guess, advantages and disadvantages. You have both sides of the sword. Each community has its own characteristics. In ours, part of our membership is aided and abetted by the fact that there are shifts. They can get to some daytime meetings. If not, we have just done a survey again—we do

not have the results of it—asking what is the best time of day, day of the month, week or whatever to have the meetings, to have committee meetings and task force meetings. So surveying to try to get consensus around time and even location is one thing.

The other thing is that we do put a public call out in the newspaper. We advertise for people who are interested. When vacancies come up, we look at a long list of people from whom we could select who would fill certain sectors—a geographic location in the community, an interest in the community or labour or consumer groups—and so we try to deliberately balance where we can.

We have been very fortunate so far and have a large selection of people. We have a lot of people interested from the variety of communities we have. We do not seem to be short of people wanting to have input to the health council.

Mrs MacKinnon: Your method seems to be word-of-mouth plus the media.

Mrs Nagawker: Yes. We advertise in the local papers.

Dr Watt: And we actively seek out people in consumer groups, for example, so if we are going to deal with the disabled we make sure our consumer groups and the disabled are there. There are 290 volunteers currently active with the district health council, so we are doing something right. Committees meet at night too.

Interjection.

Dr Watt: The question asked by the gentleman was, "What time does council meet?" Most of our committees would meet later in the day or in the evening. Some meet during the day: joint action, for example. That is possible because those are institutional executives meeting. We try to balance it off. Committees usually meet once a month. Task forces sometimes will meet in a flurry of activity and finish their task and go on, so they could meet in concentrated ways.

Mr Villeneuve: Ladies, thank you very much for being here from the Hamilton-Wentworth District Health Council. Do you hire private professional consultants to do some of the research work you need?

Mrs Nagawker: Yes. From time to time on special studies we have to.

Mr Villeneuve: I come from the area covered by the District Health Council of Eastern Ontario. There is frustration there in trying to get people involved and keeping their interest. As a health council that is working quite well, you must have some frustrations from time to time, and we are trying to address the major obstacles and problems you have. Could you outline what your major frustrations are as you operate as a district health council?

Mrs Nagawker: In general? We have one major frustration at the moment, and that is getting our appointments for council confirmed. That is number one, and that is a major issue because we only have 19 members, and when you are short of members—and we are short three people at the moment—then it makes a lot of work for those who are still there.

Mr Villeneuve: What has been your time lapse for appointment confirmation?

Mrs Nagawker: Six months. There are certain reasons for that, but that is one major frustration. The second frustration probably is perhaps the lack of response to task force reports that have been sent in.

Mr Villeneuve: From the Ministry of Health?

Mrs Nagawker: Yes.

Mr Villeneuve: You do not have too many problems with the people you work with, the hospitals and McMaster or whatever?

Mrs Nagawker: No, actually. No, the local scene does not provide frustrations for us in terms of relationships and communication and collaboration. It provides frustration because we are suffering the same way as anyone else with the squeezing down of funding and changing bases and lots of things like that, but everybody in the province is suffering from that.

Mr Villeneuve: Your budget as a district health council has always been sufficient. You have outlined the staff that you have, plus the consultant work you farm out. Have you run into budgetary problems?

Mrs Nagawker: We have always come in on budget. That is not to say we have always had all the money we would like to do with everything. No one does, and so you live in a certain reality with that.

The major frustration we have had up to about a year ago was the fact that we did not have office automation and the ability to collect data and have timely reports, as we wanted to produce them, and we are still working through that, because today information is absolutely important to be able to run, data collection. The last person we just hired, only just this year, was a planner with specific expertise towards data collection. That has been a major frustration, the information system within the office, and I think probably a major frustration across the province is the information systems within DHCs, because they are not very mature and not very sophisticated, strangely enough, given the sophistication and the level of health care in the province.

Mr Villeneuve: Would the Ministry of Health not be in a position to assist you there in sharing possibly the data it has, or does it come from you?

Mrs Nagawker: We get data shared from the ministry, and it has huge banks of resource information, but it is not specific sometimes to the small area you are involved with.

Long-term care reform is another area which is providing us with a fair amount of frustration at the moment, because it is on again with the first government and off again with the next government and on again with the next. So while your services within your community sit as inadequate, you are waiting and waiting and waiting for catch-up in terms of information and decision-making in long-term care. That is another major frustration.

If you gave me enough time, I could probably—I do not want to indicate to you that it is all frustration; it is not. It is an interesting experience and I would not want to miss it, and as many complaints as you might have about it, I think it is still a super system.

Mr Villeneuve: I noticed in your goals that communication was mentioned once or twice, and we certainly appreciate what is going on, but we wanted kind of first hand what are your imminent problems as you have seen them and as you foresee them.

Mr Bradley: What do you do with hospitals that attempt to do an end run around the health council?

Mrs Nagawker: We have not had too many end runs. We very seldom get an end run any more.

Mr Bradley: What has been the success of people with end runs?

Mrs Nagawker: Not successful.

Mr Bradley: That is probably why you would not have them, and that makes sense.

Mrs Nagawker: I must say, though, that the ministry has been really excellent in helping us out there too. They actually do make them turn around and use the facilities, so it has been with ministry support that that has occurred, but it also has occurred because of internal community pressure. Either we are going to use the health council as a vehicle for that purpose and we use it to our advantage, or we are not, and you make a decision in your community that that is what you are going to do and you stick by it.

1150

Dr Watt: We have also stopped the minister from making end runs around the DHC.

Mrs Nagawker: Yes, true.

Dr Watt: It works both ways. Every once in a while a minister will decide to announce, without any consultation, that something is going to happen in our region, and in the absence of consultation, we have certainly publicly stopped that kind of end run as well. So it is a two-way street.

Mrs Nagawker: I do not know about stopping it.

Dr Watt: Well, we have slowed it down considerably.

Mrs Nagawker: A minister can decide to do whatever he wants.

Dr Watt: The minister can do whatever the minister wishes. We have slowed it down.

Mrs Nagawker: I guess each does it at their own peril, I would gather, us included.

Dr Watt: Yes, us included.

Mr Bradley: You have a number—a number, of course, could be any number—of CAT scanners in your jurisdiction. My understanding is that the ministry has changed its policy now—I could be wrong—from dealing with district health councils to dealing with individual hospitals. It used to be that the hospitals went to you people and said, "Here is our plan or proposal why we think we should have a CAT scanner located at our hospital." It is my understanding that now there is a new policy out that says it is everybody for herself getting the CAT scanners and individual hospitals will now make their bid to the Ministry of Health. Is that your understanding, and if it is your understanding, will that not just be a three-ring circus?

Mrs Nagawker: As we progress through history, we have seen new technology come along, and when a new technology comes in, that is the time when we need to

look very hard and long at the utilization of it, the costs of it, where it should be, where it should not be.

CAT scanning has now become very commonplace. In fact, probably in a few short years we will not have what you normally know as the X-rays. It is called diagnostic imaging now, it is not even an X-ray department, so we are moving from the traditional X-ray. We have moved through CAT scanning where CAT scanning now has become a standard.

As each one of these new technologies becomes a standard, then there is no purpose in it coming back to health councils. Correct me if I am wrong, but this would be my feeling about it.

The next version and the next generation is the magnetic resonance imager. The MRI did come through council, and that is appropriate, but it might be five years down the road that the vision of the future and then MRIs might become commonplace in terms of diagnostic imaging. So I think my answer to that is, as each new technology comes in it is appropriate for it to be very well examined and scrutinized. Once it becomes a standard, there is no longer a need for that level of scrutiny.

Mr Bradley: I do not want to put words in your mouth; you will correct me, again, if I am doing so. But the district health council then, I hear you saying, really should not be determining which hospital or if any hospital is going to get a CAT scanner.

Mrs Nagawker: No, and I would not be specific to the CAT scanner, because if it is a new issue in that community, then it is a new issue in that community and it should come to that district health council. But once it has entered into that community and once that technology becomes the standard, then I do not see it coming back to us.

Mr McLean: But does the council not determine where that CAT scanner goes, make the recommendation?

Mrs Nagawker: As far as I am concerned, the first time around, but I do not know that we necessarily have to thereafter. Mr McEwen might have some different information than I have on that.

Mr Bradley: It is unfair in a way, because I am talking about a different health council, but I am trying to draw on your experience. I represent an area that is adjacent to your area, the Niagara region, which has one CAT scan machine now. While the dogs and cats are getting it in York, we have one CAT scan machine with a five-month backup in the Niagara region unless we can sneak into Hamilton and get one.

The issue there is that the district health council made its recommendation and said, "Yes, this is the highest priority, and yes, we think it should go in a particular place," and now the Ministry of Health apparently says: "That's all off now, where it was going and who's got priority. We're now going to hear from individual hospitals." I am just wondering whether it is better to hear from the health council or from individual hospitals.

Mrs Nagawker: My answer is that if you are still at the level in your community of requiring district health council input around the negotiations of where it should go, then that is appropriate, because it is introduction in

new territory or introduction of a new piece of equipment. But I do not think it would be reasonable for us in Hamilton to look at CAT scans. We are into the next generation of diagnostic imaging, which is MRI.

Mr Bradley: We will catch up to you in a few years, I am sure, to where you are now.

Mrs Nagawker: Yes. If I were in your region and facing that, I would probably say, "No, I think that's probably still an issue, for this time round, to come to health council if it cannot be settled."

Mr Bradley: The other alternative now is that while people are over at Tops shopping, they are over also in Buffalo and Niagara Falls shopping for their CAT scan or their magnetic imaging machine, one of the two, at a cost to Ontario and a cost to themselves, and inconvenience to everybody else, but that is what you do if you have money or wherewithal. You simply head to Buffalo to get what you need in terms of medical services, which some people think may be good planning. I question that.

Mrs Nagawker: If I were in that district, I would probably want that material to come to health council for the opportunity to make some arm's-length decisions.

Mr Bradley: Actually, I share that with you. My view is that the district health council can play that impartial role. As a local MPP, and before as a member of the cabinet, even though people would come to me from individual institutions and individual areas to try to get something, my view always was that it should go through the district health council. That takes the onus off making—first of all, it takes away from a major political decision with a capital P. Second, there is always a danger in evaluating people on their ability to deliver machines for services because that can also backfire when the services are not delivered as well.

I really like the concept of the district health council from that point of view. I consider them to be objective and to be able to say everything should not go to one hospital. There may be a very good reason. The district health council always comes up with very good medical and other reasons, non-political reasons, why it should go in a specific hospital.

That really for the politicians—and it is not your job to take them off the hook—does take them off the hook in the best sense of the word. They do not have to make a political decision because the appropriate medical decision has been made after the input from everybody on the district health council.

Dr Watt: Again, this is one of the differences when you are in a health science centre. Our five facilities are all teaching centres, so you would not be able to keep, for example, your accreditation as a teaching centre these days in the absence of appropriate imaging equipment. Our district health council has to be aware of those kinds of rules and regulations as well in advising. We may be into supporting a CAT scan for a fifth facility, and everybody in Niagara looks at us and says, "You guys are overfacilitated for X, Y and Z," but the decision becomes that we have to maintain teaching hospital standards in all five hospitals.

The question may be how we liaise with Niagara and form a better regional plan for the use of these facilities.

That is the kind of central-west planning we have been engaged in as the major teaching centre.

Mr McLean: Do you have a regional hospital, one designated regional hospital?

Dr Watt: No, it is done by program, it is rationalized out by program. So we have a trauma unit, a neonatal unit—you name it, we have it.

Mr McLean: The five hospitals that you mentioned, would they all have a dialysis machine?

Dr Watt: No, absolutely not. St Joseph's, which is one of our teaching hospitals, is the regional dialysis centre.

Ms Dayler: You have a list, which was handed out to you by Doug, that has all the regional programs on it.

Mr McLean: Who determined which hospital got that machine? Is that in there too?

Mrs Nagawker: That was determined with the district health council input, getting those hospitals together to ask: "What are your priorities? Where do you see yourself functioning? What is your role and responsibilities within this community?" That was carved out some time ago.

Mr McLean: My final question is, do you have hospitals in your council area that are looking for additions or new facilities?

Mrs Nagawker: Yes.

Mr McLean: Do you have a global amount that the ministry has recommended that you could put in, so much

for each one? Have you made a recommendation to the ministry?

Mrs Nagawker: Yes, on long-term care, replacement of existing beds.

Mr McLean: How many millions is district health council recommending, how many million dollars to be spent in that region?

Mrs Nagawker: Budgets for redevelopment probably are in the range of \$40 million to \$50 million in two facilities.

Mr McLean: That is just what you are recommending be done, and no approvals yet?

Mrs Nagawker: No, but that is redevelopment of old facilities—pre-war.

The Chair: Thanks very much. We appreciate your appearing here today. It has been helpful and informative. We regret that our scheduling may have upset a few schedules within the district health council, I understand, but we have to live with the time allocated to us. That is why this particular week of the month was decided upon. Again, on behalf of the committee, I thank you for appearing here today. We very much appreciate your testimony.

Dr Watt: Good luck with your work. Keep in touch.

The Chair: We will break for lunch and reconvene at 2 o'clock.

The committee recessed at 1201.

AFTERNOON SITTING

The committee resumed at 1409.

HALIBURTON, KAWARTHA AND PINE RIDGE
DISTRICT HEALTH COUNCIL

The Chair: We will come to order. We already have the witnesses from the Haliburton, Kawartha and Pine Ridge District Health Council at the front table. Perhaps for the purposes of Hansard you could introduce yourselves and your roles within the health council, please.

Mrs Galloway: I am Carol Galloway and I am a member of the executive board of the health council.

Dr Swales: I am David Swales. I am chairperson of the council.

Mr Elliott: I am Marshall Elliott, the executive director of the district health council.

The Chair: Dr Swales, do you have an opening statement you would like to make? Please proceed.

Dr Swales: On behalf of the Haliburton, Kawartha and Pine Ridge District Health Council I welcome the opportunity to provide you with an overview of our council and our activities. We welcome any questions or concerns you might express to us. You have already met Carol Galloway, who is also a member of the executive committee.

You were all given a detailed package on this district health council previously. This included a functional review of the health council which was done recently by the Price Waterhouse company. This was an in-depth analysis of our entire operation. I believe that documentation fairly reflects our council. However, I would like to elaborate on additional areas of our council and other activities, which I hope will give you greater depth and feeling as to the issues we face.

Initially I would to just say who we are and what we do. Our council is made up of 16 residents who bring a balanced perspective to planning issues in our district. Many of these issues are fed to the council from the 150 members of our various committees. We are all non-paid volunteers who are concerned about health issues within our community. The council and committee members represent an occupational and geographic diversity, particularly since our health council is the largest geographic unit in southern Ontario for health councils. We include the four counties plus the city of Peterborough. Our council thus is not provider-driven; it is a balanced perspective from consumers and providers.

The council involves at-risk groups throughout its planning process and integrates their views into our proposals as well as soliciting feedback on ministry initiatives. This involves meetings in legion halls and church basements and the like to provide a non-intimidating environment for these people. We have found that it is not appropriate for us to summon consumers to our council chambers to ask their advice; we would rather go out and meet with them on their own territory. We find we get better participation and probably a more accurate reflection of their concerns.

The council acts as an honest broker and a bridge builder within our district. This involves the providers, consumers and the municipal government groups. I will elaborate on that a little later. The council fosters co-ownership of government policy and direction by working out differences of opinion and finding common ground at the local level. If the people do not understand what is happening there is little understanding, acceptance and teamwork. The council not only formulates advice to the minister but initiates local implementation of ministry initiatives so that the reports do not sit on the shelves to be forgotten.

A cardinal rule in our council is impartiality. This involves both professional, geographic and other conflicts. These are just not acceptable. This is particularly critical in our area, where we have such a geographic diversity.

The council is not a buffer for the government. I can assure you that neither I nor the other 150 volunteers would tolerate that role. We are community advocates with a commitment to improve the state of health of the citizens in our community. Likewise as chairman I can assure you that before I sign off advice to the minister from our council I want to know that the process has been fair, honest, open and truly reflects the community as a whole.

Probably the single most significant characteristic of our council is its ability to set in motion dozens and dozens of volunteers to tackle the tough issues, because they simply do care.

Last, from the standpoint of fiscal responsibility, we feel we are truly responsible in that area. In the last figures we have available for Ministry of Health spending they spent \$210 million in our four counties for our slightly over 250,000 in population. Our council's budget was roughly \$250,000 at that time, so approximately \$1 per resident of the health budget is spent in planning and co-ordinating a budget of \$200 million-plus. When you realize the range of issues and activities that are pursued by the 150 volunteers, giving their time freely, it is a very effective and productive use of our funds to maintain a secretary and a small office. What other large central company or corporation would spend one tenth of 1% on planning and co-ordination, particularly when you consider the pluralism and complexity of health and human services in Ontario?

In today's package you received there are four handouts, one of which is a tabloid which was drawn up following our directional plan for Haliburton county. This was a primary care study dealing with the health, social and housing needs of the county. This would be a typical rural area of Ontario with a population of just over 15,000 people in the entire county. This tabloid was distributed with the local newspapers to allow the residents of Haliburton to know what our findings were. On the front page you will see there are notices of five open houses or public meetings which were held in April so that the council could get feedback on the report. Not only did we want input as we started the planning process; we were committed to telling the people the results in an ongoing effort to create consensus.

Additionally, on the last page you can see there is a tear-off for comments and views to be mailed to the council if individuals could not make any of the open houses. I should add that this was the second round of open houses. During the development of this report we had numerous focus groups, open houses, public meetings and the submission of briefs by various groups, both providers and consumers. This was encouraged right from the very start of the review in 1989, so this was very much a bottom-up process, not a top-down process.

I draw this example to your attention because it reflects some of the principles I elaborated on earlier, including our district health council's history of collaboration with others to avoid the duplication of costs and to promote a co-ordinated system. This was not only for the Ministry of Health but also involved the Ministry of Community and Social Services, so this was a joint venture between the two ministries, which have not been noted in the past for their co-operative efforts.

The second handout, in the grey, is called Chautauqua, which is the native term for a meeting-place. This is the December 1990 issue of a newsletter that the council distributes within our region that touches on some important social issues: family violence, environmental concerns and the need for all of us to take a greater role in our own health and wellbeing. As a follow-up of this initiative we are co-sponsoring a community seminar on October 4, 1991 in Peterborough on family violence. This has had an important impact in drawing together various players in the community who have an interest in this area to help collaborate on finding solutions to the very significant problems that exist in this area.

Third, we have a short status report on our multi-year planning dealing with the Graham report on mental health. This is it here. This is an example of the council's openness not just with the steering committee members but with the consumers of mental health services to secure and maintain their involvement in this very important planning process. Over 200 posters describing this study and asking for consumer input have been distributed to locations throughout our district to ensure community input. In fact this is working; we are getting feedback from people who are seeing these notices, in physicians' offices particularly.

1420

The fourth example, in the beige paper, is an initiative for agencies, organizations and individuals to become involved in a study on primary care. The significance here is our attempt to gather initial ideas, issues and response at the very start of this planning process to review the nature of primary health care needs in our district. Good planning entails involving stakeholders and consumers at the design stage, not just asking them to comment on the findings of the report once it has been completed.

This is a very important distinction: The council wants the input and ideas as we begin problem-solving. The council, as I mentioned before, is not a top-down organization; it is really a reflection of what the citizens of our community wish. It is process-oriented and we encourage constructive criticism at any stage of our planning process and we are flexible to the changing conditions.

In the more traditional areas of health care delivery we have vigorously pursued the rationalization of institutional services, particularly in Peterborough. At present we are just beginning a rationalization review of the critical care needs of the two hospitals in Peterborough. The council is concerned that the future services be as effective and efficient as possible, without any duplication of beds or resources.

This study in Peterborough follows on a very positive and productive history of rationalization between our two city hospitals. In fact, we are, I believe, much further ahead than most two-hospital communities in Ontario in this endeavour. This is an area of continuing concern, but we are certainly making a lot of progress.

In a broader context, we are collaborating in the rationalization of emergency health services in setting up a regional trauma network for the region to improve the efficiency and cost-effectiveness of emergency health services in all of central east Ontario.

There are a number of other initiatives as we carry on, and I mentioned the rationalization of services in Peterborough between the two institutions. We are in the throes of trying to achieve the same results with the Coburg and Port Hope hospitals, which are situated 10 miles apart and have recently developed long-range strategic plans, both of which were done independently of one another. The health council felt this really was not acceptable, and they have now returned to the drawing board and are talking to one another to try to develop common areas where they can share resources. So we have had a very positive impact there. We are not as far ahead between those two hospitals as we are in Peterborough, but we are starting to make progress there.

Recently the Peterborough Civic Hospital, for budgetary reasons, opted to withdraw the diabetic day care clinic. There was no alternative resource for these people. There was a lot of concern expressed by the people with diabetes and to the Canadian Diabetes Association, so we have taken the initiative of getting both the hospital and public health, the Victorian Order of Nurses, and the diabetes association together to try to plan for an alternative approach to this particular problem. In this situation we are acting, as I have mentioned before, really as the broker in trying to bring disparate groups together to try to work out something which will be reasonable for our district and provide the service which is now ceasing to exist.

My two colleagues and I would be very happy to try to answer any questions you might have.

Mr B. Ward: You made a comment that you seemed to have excellent co-operation between the two hospitals. My feeling is that that is probably unique throughout the province. How did you achieve that, because the feeling I have is that hospital boards have a tendency to protect their own turf and are reluctant to share resources, or even to share ideas. Could you comment on that, please.

Dr Swales: It has not been an easy or a quick process, and you are quite right on the problems that exist. In this particular case, a lot of it in fact has been physician-driven. Physicians now have very much leaned on the two boards to allow a common medical staff to be formed between the

two hospitals to allow co-ordination of planning on clinical services. The boards have gone along with this. I think they may have been reluctant initially, but there is a joint medical staff now and one common medical advisory committee between the two hospitals.

Preceding that, there have been initiatives by the health council on the rationalization of services, such as obstetrical services being confined to one hospital, paediatrics to one hospital, psychiatry to one hospital, orthopaedics to the other hospital, to try to achieve a balance to maintain the concept that both hospitals are still acute care hospitals—one is not being designated a chronic care hospital; it will remain an acute care hospital, but specialize in specific areas where it will try to develop expertise.

I think the fact has been accepted by the hospitals that we were not creating a primary and a secondary hospital in the community, that both hospitals were still acute care, of equal importance, but dealing with different areas, and that has been accepted and it is working.

Mr B. Ward: I would like to congratulate you.

Dr Swales: We are pleased with that. It has been over a number of years that this process has been going on; it is not an easy process.

Mr McLean: Your association with the Oshawa General Hospital: At one time, was it not the best, and now, with the study they have asked you to participate in, I am wondering if there was a power play between the two councils to have the Oshawa hospital designated regional that would take in part of your area.

Dr Swales: This is a very sensitive issue, certainly within our four counties. You are right that part of it was a turf war. The inclusion of our four counties in the catchment area of the Oshawa General Hospital and its strategic plan really was done without consultation with our four counties. It was just assumed that this would be the situation. There is a lot of resistance to that in our four counties. I am putting it gently. Quite frankly, there are some services in Oshawa General which are stronger than they are in the Peterborough Civic Hospital, which would be our regional centre, but there are some services in Peterborough which are stronger than they are in Oshawa. It seemed ludicrous to us then to be referring patients to a centre we did not feel had as strong a service.

Mr McLean: Do you have a computerized axial tomography scanner in Peterborough?

Dr Swales: Yes, we do. In fact the volume that we do on our CAT scanner is about 50% greater than it is on the Oshawa scanner.

Mr McLean: Could you indicate to the committee what your major problem is with your council? Is it getting volunteers to participate, or what is the major concern that you have?

Dr Swales: It is not difficult getting volunteers now. With the new mandate, the profile of the health councils rose. This was a problem previously. We advertised annually for applicants for membership, and if I take the city of Peterborough, we would get one or two applicants a year. This past summer when we advertised, we got 16, so now

we have the luxury of too many applicants in effect. For the city of Peterborough that is the case.

In Northumberland county we still have a shortage of applicants. We obviously have not done as good a job there as we should yet in raising the profile. Obtaining the volunteers has not been a particular problem for us.

1430

Mr McLean: The overall emphasis on health care, additional facilities, new facilities: Do you have a projection that is going to the ministry of so many million dollars for a new facility or additions to existing facilities within your recommendations you are making to the ministry? What figure would that be, roughly?

Dr Swales: Nothing has gone in recently, because the ministry has not asked. In fact they have indicated they do not wish to receive applications for new and expanded services, so we have not been sending that in.

Mr McLean: When did they indicate to you that they did not wish to receive any?

Dr Swales: That would be 1988-89. That is at least two years. We have not sent them in for two years. We still do the process locally so that we know what the hospitals feel they need.

Mr McLean: But I thought you were to advise them on what you felt should take place within your area of representation and recommend to them what you felt should be done. I am surprised to hear they have said they do not want any recommendations.

Dr Swales: It is a delicate point. Initially, the first year, we sent it anyway. Even though we were told they did not wish it, we sent it anyway. We did not the last year, so we have not for a year.

Mr McLean: I thought that was your function; not for them to dictate that.

Dr Swales: Yes. I do not know if any of my colleagues want to elaborate on that.

Mrs Galloway: I really do not have anything else to add.

Mr Elliott: As my chairman did say, it is a delicate point. Also as Dave said, we do prepare a list. We feel in a sense that we have both the brokerage role and the responsibility within our district to ensure that we know, as a district health council, what either the present needs or the emerging needs are of the eight hospitals in our district. It should be understood that the hospitals are in agreement that we prepare a list, but we do not forward it to the ministry. We have the list and the hospitals feel very comfortable with the council maintaining a list, on a year-to-year basis, of new and expanded hospital-based programs.

Mr McLean: I really have a problem with this, because some time ago our minister went around this province indicating that this hospital was going to get funding, \$30 million, and that this one was going to get \$50 million. Today, nothing has happened to all those commitments, and here they are telling you they do not want you to give them any input.

Dr Swales: Our existing submissions still have not been funded. Our top priorities in the various hospitals still are outstanding. They have not changed. There has been no change in our sequence. If we were to send in our list today, it would be the same list that went in in 1989.

Mr Frankford: Am I right that there is a Women's Health Care Centre in Peterborough?

Dr Swales: Yes, that is correct.

Mr Frankford: Can you give us some description of the role of the district health council in its development and planning?

Dr Swales: The health council had probably very little role initially in that. That was a ministry initiative and we really were not asked to comment on the pros and cons of the centre. That really bypassed the health council process.

Mr Frankford: Is its existence part of your planning when you are planning for the whole community and women's needs?

Dr Swales: Yes, it would be. Certainly, we have I think a good rapport with the women's health centre. The director is on a number of our committees. She is actually the chairman of our current primary care study.

Mr Frankford: Can you give us some idea of how the existence of the centre is impacting on your planning?

Mr Elliott: To a degree, prior to the existence of the centre, there was not a resource in our district or in the immediate community of Peterborough which would have the knowledge, the base, the resource. There were other groups we could liaise with. Historically, it would be groups like the Young Women's Christian Association, the rape crisis one, or Trent University through one of its faculties.

Now we have this group, which is funded. They have resources and they have capabilities to assist the council in our planning, to bring forth certain issues, not necessarily women's issues, but to bring forth some advocacy points of view: anti-poverty, antiviolence. In a sense, I guess our district health council probably sees the women's health centre, besides the more social-medical activities it is involved in, as a principal resource on issues of poverty, anti-poverty, to a degree literacy, and also certainly violence.

Mr Frankford: Is it providing facilities for pregnancy, and also for termination of pregnancy?

Mr Elliott: Are we speaking from a planning function, sir?

Mr Frankford: I am just asking what it is doing.

Dr Swales: It is off-site. It is down on the main street of Peterborough. It initially started in the civic hospital, but it has been moved off-site. It is probably more appropriate to be in a downtown location for walk-in clients.

Mr McGuinty: Dr Swales, we heard from another group this morning, the Hamilton-Wentworth District Health Council. As a matter of interest I see that its expenses for 1989-90 were about \$277,000. That is connected with service for a population base of 424,000. I am just wondering how I can relate that to your population base of 250,000. Your expenses were pretty well on a par.

Mr Elliott: For that year you just quoted, the most recent year, there were probably two or three things in our district that would distinctly put us apart from the Hamilton-Wentworth experience. We went through a major office expansion, so in that budget there is the capital dollars, the furnishing and the enhanced rent. There is also an upgrade of computers, going from two older 286s to five, I believe, new 386s. I think that offsets what the difference would be on a per capita basis, because it occurred in that one year.

Mr McGuinty: Dr Swales, you indicated you have done some things recently to attract volunteers, to raise the profile of the health council in the community. Are there still only 10 board members at this stage?

Dr Swales: Yes, we have a number of applicants that have been in over a year, but we have not heard from the ministry whether they are being accepted or rejected.

Mr McGuinty: So you have been at 10 for almost a year now?

Dr Swales: Yes.

Mr McGuinty: By looking at the list here, at the notes we have been given as committee members, I do not see any municipal representatives. Do you have some applications in from municipal representatives?

Dr Swales: We had a meeting. Marshall and I sat with the wardens of the four counties and the representative of the mayor of Peterborough in March to discuss this. Our problem is that if we go by the 40%-40%-20% distribution, with 20% municipal representation, that would mean two or three municipal representatives. Because we have no regional government in our area, we have five distinct municipalities, with the four counties and the city of Peterborough all being distinct entities with no cost relationship, and we have two health units. We had suggested that one representative from each health unit, the city representative on each health unit, would be an appropriate way to do this.

They were unhappy with that. They felt there would not be adequate feedback to their individual councils. They are pressing for five members, one for each of the municipal jurisdictions. We submitted a proposal to the ministry suggesting that if they wished to do that, then to create a reasonable balance, if they increased the total membership to 19, we would have 5, and then 7 providers and 7 consumers. It would not be quite the 40%-40%-20%, but it would not be too far off, and that would satisfy the municipal concerns. They were happy with that suggestion. That was submitted this spring to the ministry and we do not have a response yet to know whether that has been accepted or rejected.

Mr McGuinty: I am just wondering if that might make for inherent parochialism, the parochialism that is going to be inherent from having a representative from each of the various communities. Do you not see that as making it perhaps a bit more unworkable, rather than more workable?

1440

Dr Swales: This is a real concern. We have had elected officials on in the past. They have not been appointees of the municipalities. We have selected them. They have applied and we have selected them. Quite honestly, we

probably have dragged our feet in this area for that very reason, that we have made it very clear to all members when they join that they are not representing a geographic district. I am the only physician on the council. I am not representing the physicians at all; I am there representing the district. That is made very clear, and if members do not wish to agree to that before appointment, then their names will not be submitted. No question, it would create a change in philosophy, and one we would not be particularly happy with.

Mr McGuinty: I was impressed with the fact that you take your hearings out on the road, into the various communities. Perhaps somewhat connected with that, one of the criticisms that has been levelled against health councils is that they are not accountable to the people they serve and are not elected to public office for a certain term. Has that criticism ever been levelled against you, and even if it has not, if it was, how would you respond?

Dr Swales: We have not had it directed to us locally, but certainly we are well aware that this has been a criticism on the provincial level. I think it touches on the same problem we just discussed. Our concern is that if you had elected representatives, then you would be responsible to a particular constituency. Presumably, one would make promises to gain election, and to remain elected you would have to show that you had in fact obtained beds for your local hospital, or some other high-profile issue. Long-range planning issues are not particularly glamorous for re-election, I am sure, antismoking campaigns and this sort of thing. It would very much change the thrust of the council.

We now feel we can deal without conflict with issues which may not be particularly glamorous but which we think, in the long term, will improve the health of the community. We do not have to do anything that is going to catch the elector's eye. As well, we have, with all our subcommittees, 150 volunteers. I think this would create a different atmosphere for those volunteers, knowing that we were paid members of a council. I do not think people would feel as free to volunteer their time. They know we are volunteering our time, so I think they are much more willing to help and contribute. You do not see many volunteer committees with school boards. I think we would run into the same problem.

Mrs MacKinnon: Thank you very much for coming with your presentation. I can hardly visualize having four counties under one district health unit, but obviously you are doing it. Do you have a central bed registry?

Mrs Galloway: No, we do not.

Mrs MacKinnon: My question to you, really, is how do you feel about the election of members to a health council as opposed to appointments such as you are doing now? From your former answers I am beginning to wonder. I think you said there is one of your counties from which you do not even have representation.

Dr Swales: No, that is not correct. I just said we have had more difficulty getting volunteers in one county, but we have representation from that particular county.

Mrs MacKinnon: Well, how do you feel about electing members or people who choose to run for a health council?

Mrs Galloway: Probably the chairman's answer to the former question is the same answer to that question. If you are being elected for a particular reason, you likely have a vested interest for why you want to be elected.

Mrs MacKinnon: I do not mean elected from the particular sitting county council. I do not mean that.

Mrs Galloway: No, I understand that. The thing that impressed me so much when I applied to the council—and I am a neophyte, which is one of the reasons I am perhaps hanging back with my answers and letting the people who have been on the council do most of the answering here—was how much it was driven home to me that regardless of what my background was and what sort of work I do, that was not the reason I could be part of that council. I had to have a more generic overview of the four counties and of the health provision and social services provision in those counties, regardless of my own particular point of view. It seems to me if you were asking people to run as elected members of the district health council, you would jeopardize that slightly more than the way it is now.

Mrs MacKinnon: Anybody who wanted to put his name down would have to get out and campaign. Hopefully they would get to know—you might have representation in your particular case, then, from every county.

Mrs Galloway: We do have representation, Mrs MacKinnon, from every county. In fact, when we were reviewing the peoples' names recently who were interested in applying to the council, we were very specific about seeing who had applied from each of the four counties. The advertisements go into each of the four counties' newspapers and so on. As Dr Swales says, it is a question of getting a profile, perhaps a little more in the south part of the area, and it is a huge region.

Mrs MacKinnon: If you have 150 volunteers, you do awfully well, I think. Therefore, what do you do to assure yourselves of a cross-section of your four counties or regions? I notice you have something here I guess you must send out. Would this go to every mailbox?

Mrs Galloway: Probably Marshall Elliott could tell you exactly where they had gone, but usually it depends on the specificity of the document you have in mind. I actually asked that question myself the other day, where do we send each of these things, depending upon the group to which it might refer. If it was mental health, it might go to doctors' offices and it might go to various agencies that deal with mental health issues. It would depend on the particular reason for the publication. For example, the flyer Building a Healthy Community for the Future was specific to Haliburton county because a major study had been done in that county. That was distributed to households.

Mrs MacKinnon: Because this one appears to have been just strictly for your board.

Mr Elliott: I wonder if I could maybe comment on that, Mrs MacKinnon. That is one of our early upfront starts for our primary care study. In that particular study we were looking at commuters in and out of our district. One of our major concerns is, are people moving into our

district for lifestyle reasons or real-estate, cost-of-living reasons, from the Ajax-Toronto area?

That particular questionnaire was distributed in physicians' offices. It was distributed at the GO trains outside of our district. It has gone already to the Havelock-Toronto-Peterborough Rail Association. It is going to schools and libraries in the southern part of our district and also in the western part of our district, where these people are moving in, to find out particularly what their concerns are in terms of accessing health and social services. The assumption we are making is that they have moved from a community; ie, Toronto. They are probably still maintaining medical, physician, a lot of social services, until a crisis happens, and then when are they going to get their service? So it was given wide distribution, trying to hit places where we would find people on the move.

Mrs MacKinnon: I do not want to take up all the time, but I heard you say that you do not have a diabetic—does this not come under the health unit as opposed to the district health council?

1450

Dr Swales: In the city of Peterborough this had been operated for years through the Peterborough Civic Hospital, with a diabetic day care centre for instruction of new diabetics. This is not for long-standing; this is for new diabetics, to train them on diet and so on. The hospital, in looking for ways to cut costs, decided to cut this program. It was a board decision. It was not supported by the medical staff at the hospital, who opposed it. As a result, there really was no facility, other than the primary care physicians instructing the patients on diet and so on when they are initially discovered to be diabetic. This may be quite satisfactory at times, but other times it may not be. This was not felt to be satisfactory at all. We are looking at involving the health unit, the Victorian Order of Nurses and other groups to do this as an outpatient service somewhere else in the community.

Ironically, the health unit was doing this service in Cobourg and Port Hope and it has now been transferred to the hospitals. They have just had funding to do it in the hospitals, so it does not make sense. We are trying to sort it out as best we can to try to get a satisfactory solution for the poor individuals who have diabetes who cannot get that or shortly will not be able to get that information.

Mr Grandmaître: I would like to follow up on Mr McLean's type of question. One thing that I would like to get straight is that in 1989 you were told not to provide the ministry with—let's call it a wish list. Did I hear you right?

Dr Swales: That is correct.

Mr Grandmaître: Does that mean that since 1989 your hospitals or your agencies, the agencies under your umbrella, have been dealing directly with the ministry?

Dr Swales: No. It means that they have not initiated any new or expanded programs in that time, have not had the option to do so.

Mr Grandmaître: So whatever was in place in 1989 is still in place. It is being fine-tuned every year.

Dr Swales: That is correct.

Mr Grandmaître: No new programs have been established since 1989?

Mr Elliott: In terms, sir, of a general route of funding for new and expanded hospital-based programs, there are specialty areas—like rehab, emergency health services, some perinatal areas and so forth—where funding is available on a provincial basis, sort of divided within a region. The ministry gives us notice. We give our hospitals notice. This is typically the hospital sector, as opposed to the community sector. We will give the community hospitals notice that there is a pot of money for rehab or emergency health or whatever, and then it is a competitive process. Dr Swales was speaking of the earlier process of new and expanded hospital-based programs, which you referred to as a wish list. That process is non-existent as of 1988-89.

Mr Grandmaître: I see. Good. I just wanted to set the record straight.

Mr Hayes: My question is really in the same line as Mr Grandmaître's, and also Mr McLean had raised it earlier. I just want to get a clarification here because I think that the way you answered Mr McLean, people would leave here with the impression that the Ministry of Health does not want your input. It kind of came out that way and I would really like a clarification on that, because there is something wrong if this is the case. You talked about how they do not want you to come up with any new programs. I guess if you wanted to check the Hansard, it came out that way. Mr McLean said, "They said we don't want your input," and I believe you said, "That's right." I would like you to clarify that.

Dr Swales: In that specific area, if you talk about a wish list, as Marshall said, there have been government initiatives in some areas, such as sexual assault and abuse, where the funding has been available and money has gone to the hospitals, so those are new programs for the particular hospital. By and large, those have been initiated by the ministry. Those have not come from the hospitals. The hospitals have their own wish list. For example, at Peterborough Civic the coronary care unit, the intensive care unit, has been the number one request since 1988. That has not changed since 1988. There has been no request for a new wish list and we were told not to send them in.

Mr Hayes: This is now?

Dr Swales: Yes. So those have been new and expanded programs which are initiated locally. There is a distinction. I should not say there are no new programs, there are some, but they have come from the ministry initially, such as sexual assault and so on.

Mr Hayes: Is the ministry actually saying, "We have some priorities here and we want to get through with these"? It is not just strictly, "We're going to ignore yours," maybe, but they are not as much a priority as the ministry feels its programs are. Would that be correct?

Dr Swales: That is probably fair to say.

Mr Hayes: Just one more quick question. The previous group talked about the problems with the ministry making appointments and time lags. Is there a problem there too, and also any task forces you have problems with that are

not being addressed as quickly as you would like them? Are these some areas where there have been problems?

Dr Swales: Certainly the appointment process has been a sore spot and we have outstanding requests going back over a year now which we are still waiting to hear about, so this is why our numbers are down. Certainly for volunteers it puts an extra pressure on the remainder, because we have 10 instead of the expected 16, so we in effect practically have to double up on duties.

As far as task reports and those sorts of things are concerned, I would have a criticism of the ministry in its requests for feedback. Granted these are usually more minor issues, but oftentimes these will come down with a two-week turnaround time. From our perspective, that means that, if we are lucky, the executive committee will get to review it, but certainly the full council will not see it, so it is not really a true community feedback. It may in fact be just feedback from the permanent secretariat of the health council. So I find that disturbing, because if the intent is to get community feedback, that is not happening oftentimes because of the short turnaround time. With volunteers you need a fair bit of time because you cannot call meetings on the spur of the moment. They have to tie in with their schedules and so on.

The Vice-Chair: How many times has your council met with the ministry in the last three years?

Dr Swales: We certainly have frequent meetings with the ministry, with reps. That is not a problem, meeting with them. They are certainly very good at meeting with us.

The Vice-Chair: Have you met with any of the ministers in the last three years?

Dr Swales: Yes. Mrs Caplan came to visit us. That would be the last in three years.

The Vice-Chair: Other than that, it has been staff?

Dr Swales: Yes.

Mr Wiseman: I would like to pursue your statement of revenue and expenditures. I see your actual for 1990 was \$281,247 and your actual for 1991 as of March 31 was \$364,828. That is an increase of roughly \$83,000, and the two areas where I see most of the increases are under salaries and benefits and furnishings and equipment. Could you describe for me what makes up the increase in those two numbers?

Mr Elliott: I think you have already identified it. It is salaries and benefits in one area and the other one is the office expansion I referred to earlier. We went from 1,800 square feet to I think it was 2,500 square feet. There is the rental aspect, and there was also the renovation, the equipment and so forth that went into that. The salary one is an equity adjustment that went across all district health councils—I think it was effective something like December last—which affects that statement. So it was an equity adjustment.

1500

Mr Wiseman: That one is around \$49,000. Was that to hire more staff?

Mr Elliott: There was an increase of a part-time clerical person to full-time and there was equity adjustment to the four permanent staff salaries.

Dr Swales: It was a 0.6 to a 1.0 typist, but otherwise the staff did not increase.

Mr Wiseman: What created the demand to increase the staff? What are you doing now that you were not doing before?

Mr Elliott: There is no increase in staff in that, it was just a clerical person from 0.6 to 1.0, which is two days a week. It is to catch up with all the work the committee structure is doing. As Dr Swales said earlier, since both our functional review and the enhanced role for DHCs, we have been very involved, not just in the traditional health area but in other areas like housing, social services, environmental issues and so forth. The amount of agendas we do, the minutes we do, the contactings we have to do to get people together to meet at the legion hall somewhere and get dessert ordered in or coffee; we needed the extra help in that area.

In terms of our office expansion, that was to accommodate a second meeting room, because our committee room, our boardroom—we needed a second meeting room to accommodate the people we deal with, the volunteers and so forth.

Mr B. Ward: Just a couple of clarification questions. You mentioned that the appointments have been held up for over a year. My Brant and Brantford health council recently received a letter from the minister stating that the applications for appointments have been sent to the committee to make the final recommendation, I guess, on who should be sitting. Did you not get a copy of that letter, as far as you are concerned? No?

Dr Swales: I did not see it, no.

Mr B. Ward: The priorities that you set back in 1988-89 and then you submitted in 1990 and then I guess were told, "Don't bother," have those priorities changed or were they the same? I think you said they were the same.

Dr Swales: Most of them are the same in the hospital. I think there was one hospital that changed its sequence. They did not change the listing, they just changed the order, that was all.

Mr B. Ward: So you do not have any money to deal with them. "There's no sense in wasting the paper and sending them again, we've already got them on file," is more or less probably what happened?

Dr Swales: Yes.

The Chair: Mr McLean?

Mr Bradley: Are you finally getting on?

Mr McLean: I am finally getting on, yes.

Other than doctors, nurses, administrators for homes for the aged and those types of facilities, how many other people are there on the council's executive who are not involved in input in the profession of administrators for nursing homes and nurses and in the health profession? How many are on your board who are not in the health profession?

Dr Swales: On the executive committee or on the board?

Mr McLean: The executive committee.

Dr Swales: There is sister and Barb. There are two out of five.

Mr McLean: I thought the sister was a director of nursing home or—she is not?

Mr Elliott: She was formerly a director of a home for the aged and has been retired—not in terms of age, but retired from that job—for I believe about five years.

Mr McLean: Home for the aged?

Mr Elliott: Yes.

Mr McLean: I was just curious how many people were on the executive council who were not involved in that direct health care line of work.

The Chair: I guess this is an inappropriate question, really, doctor. Looking at the makeup of your board in respect to the board that we heard this morning, which is essentially an urban board, there seem to be a number of providers and physicians in respect to appointments to the board, although I take a look at the makeup of the 10 appointees that we were provided with and nine out of the 10 are related in some way, shape or form to the health care field. I guess initially when I took a look at the Hamilton-Wentworth board, I was wondering about the impact that a Dr Swales has on the deliberations of the council, professionally a provider. I am wondering how the average lay person would—perhaps this is an inappropriate question to direct to you. It may be more appropriate to direct to a consumer representative on the council, but I am wondering if you have any observations in respect of that, that perhaps you, as someone who is formally educated in the field and works in the field, have undue sway over the deliberations of the council.

Dr Swales: No, I think it is a fair question. I certainly did not initially at all, because I found even as a provider there were a lot of areas in the health and social service area that I really was not familiar with. There are so many providers in the field that it is a real maze and I could say it was probably a year and a half before I felt comfortable at the meetings because I felt I did not have enough background to really comment very meaningfully on the issues.

Currently I contribute my fair share, I think. It is more difficult for consumers. I think I started up a step because I was in the field. It is a tough issue for consumers to get hold of all the complexities of this system, which is extremely complex.

I think the balance between providers and consumers is a very useful one and I think that is ideal. If the board were solely providers, then we would not be challenged by consumers and we would stick to our old programs and ideas. Conversely, if it was solely consumers, then I think they would become very dependent on the permanent secretariat and it would tend to be more driven by the permanent employees of the council rather than the volunteers. I think we have a good balance now that we have the planning expertise of our permanent staff, you have the experience of providers, plus you have the consumers, who obviously need to be heard more than they have been in the past. So I think it is a good balance.

The Chair: So you are happy with the mix you have on the council now? You do not believe there are any—

Dr Swales: We do not have the municipal reps at the moment, and as we have discussed, I think that depends very much on the individual. You can certainly get some excellent individuals from there who will look beyond their own narrow constituency, but there is a risk with the municipal reps that they might not. Other than that, I am happy with the mix, that there is a balance with three elements who all bring a different perspective to it. I do not think any one of the three should be dominant. I think they should all counterbalance each other and challenge each other. That is what makes the meetings interesting, that we will be challenged.

Mr McLean: Supplementary to that, Mr Chair, why would it be a greater risk with a municipal politician being on the board than a health provider from any one of the professions being on the board? Would they not be there looking at it in a broad perspective the same as you do?

Dr Swales: There would be one subtle difference with the selection of providers. We screen those, and being in a smaller community, we know which providers are—at least I certainly know among my colleagues which ones would have the interests of the community at heart and which would have solely the profession at heart, so we would not encourage the latter group to apply to the council. In the situation of municipal reps, they would be appointed by the municipality. We would not have any say in who would come on board, so we could not screen them. We do screen the providers now, so we get providers who do have a broad perspective.

Mr McLean: I thought politicians were supposed to look after that.

Mr Frankford: Following on a bit to this, you said you thought that if it was an elected or a political position, people would be trying to score political points by promoting some popular cause. Have you come across in other boards or in your board people who get on the board to promote one single issue?

1510

Dr Swales: Certainly that has been a problem on hospital boards in Ontario, on general hospital boards, where you get probably the vestiges of some of the pro- and anti-abortion groups. So that is a risk, and that would be an example of a public board where that has happened.

Mr Frankford: But you have not had people applying—

Dr Swales: Not on our council. It has not been a problem. I would like to think it is because of our selection process. I hope it is. Maybe we have been lucky; I do not know.

Mr Wiseman: I am still trying to come to grips with costs. I know that in your area there is an antitax group that is starting to grow. So I see an increase in costs and I ask myself, how do we measure in terms of an increased budget the effect that has in terms of delivering the services that are needed and whether or not we are getting value for our money in terms of assessing that? Is there any way that you could put a handle on that for me, that gives me some kind of measurement about what you do

that may make the delivery of health care more efficient in your area?

Dr Swales: I might just make a comment at the outset, and the others will answer. Because we are such a wide area geographically, if we are involving consumers they have to have their expenses paid to come down, particularly involving the rural poor who are an important element in our area. They do not have the funds to travel down to Peterborough. So we have probably higher costs from that point of view than an urban DHC would have, where you just have your subway fare and that is it. Here it is much more difficult than that. So we have higher costs probably because of that to start with.

Mrs Galloway: It seems to me too that the end result is where the cost gets rid of itself as being a problem. It may look high up front.

What happens with the planning process through the district health council—at least certainly this one, and it is the only one with which I am very familiar at all—because it starts at a community level and brings all the players together, the providers, the consumers, just getting to know other providers within the four counties and what each of us does best, then if there is a particular issue—for example, we are doing a respite care study in the four counties at the moment and specific to our own county that I happen to live in and represent on council—what we have found out about each other is who does what best.

So when there is a respite care program the outcome should be that we are doing it the most effectively and the most efficiently and therefore the best for the consumers as well as the most cost-effective. Without the interference, if I can put it that way, of the district health council promoting this planning, each of us who has an interest in respite care would be off doing our own respite programming and beating the drum for finances for our particular area or issue instead of having an overview of it and, it seems to me, in the long run creating a more effective system. That is where the funding will show itself as having been effective.

Dr Swales: I have one more example, and we touched upon this before. It is the rationalization of the institutional services in Peterborough, where we really are ahead of, as I say, most communities in Ontario with two hospitals. This has reduced a lot of duplication, and I think we are getting a much bigger bang for our dollar now in the two institutions than we were previously. This certainly was initiated by the district health council.

Initially, certainly in the late 1970s, if I was at a county medical society the term “district health council” was really considered a dirty word and just another level of bureaucracy. In the last couple of years I have had physicians come up to me and say, “Push harder to get the hospitals to talk to each other to rationalize services.” So this is very much behind us now and in fact we look at the district health council as the leader in getting the two hospitals to rationalize their services. We are hopeful we will achieve the same thing on the lakeshore with Cobourg and Port Hope.

I cannot give you dollar figures but I am sure we have saved a lot of dollars in that area because of duplication of services.

Mr Wiseman: One other question has always sort of bothered me. From where I came from before, there was a lot of money being spent to meet the year-end deadline in terms of spending. Have you given any thought to whether it would be beneficial to you or to other areas of being able to roll your budgets year over year, multibudgeting, planning and so on? Have you ever given any thought to that?

Mr Elliott: No, I have not given any thought to it myself personally. I can see merit, though.

Dr Swales: Certainly for hospital budgets it would make sense. I know this has been a real problem in hospitals.

Mr Wiseman: Yes, a sudden rush to spend the dollars to make sure—

Dr Swales: There is no question that happens. I think that would be an excellent proposal.

Mr McLean: You have indicated that you have worked together and saved a lot of dollars. How would you expect to have the government spend money when you cannot make a proposal to it?

Dr Swales: That is a tricky question.

Mrs Galloway: I have the same question sometimes myself, to be perfectly honest, as Marshall will know, but it seems to me that at least with what the council does in its role as planner and advocate, the planning is there, the documentation is there, and the footwork has been done. It is a question now of where we go as a council to initiate. It is dollar-driven. There is no doubt about that.

The Chair: I may have lost on that last one. We were talking about rationalization and you are talking about being dollar-driven. Maybe I am confusing apples and oranges here where Dr Swales was talking about—

Mrs Galloway: It is the outcome we are talking about here. We were asked why we cannot make proposals. At the same time, what we are doing is creating the planning and the atmosphere in which there is an overview so that there are no mistakes made and that there is advocacy from the part of the council. But the reason, as I understand it, that a halt has been put on putting forth proposals is there just is not the financing at this point to do it. That is what I mean by the finance-driven part of it.

At least the planning is done and it will not be a question of scurrying to see whether what is happening is right. We have a plan of action to follow when there is financing to do the work.

The Chair: One of the concerns when health councils were formed back in the 1970s was the scarcity of dollars. It is an ever-increasing concern. I am just wondering if you look at other areas other than rationalization where you can see more effective use of dollars in the health care sector. We know it represents about one third of the provincial budget now, and there are increasing concerns about being able to maintain the quality of health care in the province.

I am wondering if you as an individual health council take a look at some of those broader questions there and ways and means in which, in your particular area, you could achieve some savings while not diminishing the quality of care.

Mrs Galloway: Again, I guess the only thing that any of us is doing in that area at the moment is trying to bring the various boards and agencies—there are so many boards and agencies, each of which seems to be duplicating services—together to see who does what best and maximize what each of them can do best so that it reduces that duplication. I am not sure that, honestly, we have done anything more than that.

1520

Dr Swales: In the longer term, you will not see an immediate result on this, but in the health promotion area we have been very active in trying to involve at-risk groups to take greater charge of their own lifestyles. We will not see a saving on that, unfortunately, long before a decade or more, such as the smoking and diet and so on. That is a longer term investment on which I think we will see results down the road.

Mr Elliott: I have a comment on one very immediate return in that area and that has to do with Parks Canada, which is a federal branch of the government in Ottawa, and the concern with the Trent-Severn waterway where the boat accident rate from drinking and boating is exceptionally high. Unfortunately it is still exceptionally high today, but our office was approached a number of years ago by Parks Canada and by the Ontario Provincial Police to see if we could do anything in terms of co-ordinating something.

It has resulted in a program by the name of Captain Drydock throughout the Trent-Severn system which goes from the Trenton area up to Georgian Bay. It is an effort to increase boaters' awareness that the risk of driving their boat and drinking is just as serious as drinking and driving, so I think in that sense there could have been some very immediate returns in the number of accidents and boating collisions and so forth. But we were able to capitalize on that opportunity with the federal government and the provincial government to do something which is very visible and very awareness-oriented.

The Chair: Mr Hayes has brought to my attention that we are about seven minutes over our schedule, so Mr Frankford, I am sorry, we will have to defer your question.

Thank you very much for appearing before us today. We appreciate your testimony. It has been very helpful. As provincial representatives, we thank you for volunteering your time and energies to the cause in the province of Ontario. We very much appreciate it.

MINISTRY OF HEALTH

The Chair: Our next witnesses are from the Ministry of Health. Can we encourage you to take a seat? We have Charlie Bigenwald, who is the executive director for policy, planning and evaluation, who is getting a coffee I think at the moment. Welcome to the committee. Michael McEwen is the director of the health planning branch of the ministry. Do you have any comments you would like to make at the outset before we get into questions?

Mr Bigenwald: If it would be helpful for the committee, we had planned a brief presentation which takes a quick overview of the evolution of district health councils and

where they stand right now as a group. Then we would be glad to answer whatever questions we could.

I will just say a few words about the now ancient history of district health councils and then I will ask Mike to bring us up to date on what is going on currently.

The legislative mandate for district health councils comes from the Ministry of Health Act. It is a small little phrase in the act that gives the minister the authority to appoint advisory groups to her or to him on health matters. As you know by now, all of the members are appointed by order in council as advisers to the minister under that section of the act.

The first district health council was appointed back in about 1973. There was a fair amount of activity going on at that time. Some of you may recall the Mustard report, which took a look at, among other things, health planning in the province and made recommendations that there be district-level bodies developed to advise the government on planning.

Currently, there are 28 district health councils. The last two were formed in the Parry Sound-Muskoka area. Under consideration right now, I believe there are three or four other district health councils, as well as a recommendation before the minister for setting up a steering committee or an advisory committee in another area of the province.

Each district health council serves a population area, and that population varies substantially across the province from a low of about 72,000 people all the way up to the Metropolitan Toronto District Health Council, which serves an area of over 2,000,000 people. In general, the district health councils right now cover areas of the province that represent over 90% of the population.

Originally, district health councils were given four specific roles. I think the terms of reference were listed in the background material. But in general, they were set up to identify district health needs and consider alternative methods for meeting those needs; to plan a comprehensive health care services program and establish short-term priorities; to co-ordinate health activities and ensure a balanced, effective and economic service which meets the needs of the people; and to work towards co-operation in the social development activities in the district.

If I could just editorialize a bit on that, as the district health councils evolve, I think initially the role of most district health councils was largely one of taking a look at specific parts of the health care system. For example, they would go out and look at an acute care study, or if the community identified as a problem services to children or perhaps drug addiction, they would initiate a study and come into the ministry with recommendations.

From those early studies and from the early years, back in the early and mid-1970s up through the 1980s, things became substantially more sophisticated, you might say, and more time-intensive. Districts continued to identify the needs they had, but I think you heard in the presentation this morning and this afternoon that successive ministers of Health asked for more and more advice on specific areas. You would have a minister say: "Mental health is a priority. I'd like all district health councils to do a mental health study." There have been a series of those over the years.

More recently, something that Mike will be getting into in a bit more detail, we have been pressing district health councils to do what we call systems planning: rather than looking at, piece by piece, acute care beds, long-term care beds, children's services and whatever, to begin to look at it in a broader sense and say, "How can we better meet the needs of the district, looking at how the hospitals relate to the public health units and to the community health services, what the links are, and how can we improve the service delivery?" With that, I will stop and ask Mike to take you through a few other areas.

Mr McEwen: The district health council membership: As you saw today, the strength of the district health councils is their volunteer membership. The council members not only attend monthly meetings, they also attend their subcommittee meetings. They are usually expected to chair at least one subcommittee. Those subcommittees involve somewhere between 1,500 and 2,000 other volunteers who are dealing with specific issues in the community, in task forces and subcommittees or in council.

One of the key elements in the work of council is the notion of the public consultation in its communities through a variety of mechanisms. It also serves as a forum for, if you will, this discussion of policy and an element of public education with respect to health care in Ontario and where it is going.

The membership, as we have heard several times now, is by order in council. The key responsibility of a council member is not to be representative of a particular group or interest, but rather to represent the community as a whole. Councils spend a good deal of time in orientation of new members, and most members of council will tell you that it takes about two years to get a grasp on the issues and begin to feel comfortable with the breadth of issues being raised.

Councils routinely get enormous packages of information which outline a variety of issues. The record I saw was one package for a district health council meeting that was 465 pages long, doublesided.

1530

The councils are intended to be reflective of their community: an urban-rural balance, male-female, francophone, native, multicultural and the geographic distribution within council. Some effort is placed by councils in being able to meet those kinds of requirements, and it is certainly a part of the ministry review of recommendations for council membership. The aspect of the 40%-40%-20% has been mentioned several times, so I will not go into that in any detail.

Councils are asked to provide several different types of advice. There are the locally initiated issues, such as health promotion, mental health and the Independent Health Facilities Act. Health councils play a major role in that new legislation. They have been asked to do, as Charlie mentioned, mental health plans following the Graham guidelines. They are involved in emergency and primary care services and continue to be involved in long-term care.

As part of the expanded role of district health councils and part of their drift away from new program additions to the outer edges of the system, councils have been asked to take a lead role in something called health system reviews.

As part of the \$850-million, 4,000-bed announcement, the Premier's Council recommendation is that those all be re-examined and only those that are absolutely necessary built, because to build them all would eliminate any ability to move from institution to community.

We asked councils and communities to look at the institutional needs in their community, using those dollars which had been designated but looking at other alternatives to additional beds, moving much more towards the notion that beds do not represent health care, and particularly, that the ministry did not want to continue to support the planning of hospitals in isolation of each other and in isolation of the rest of the health care system. The health system reviews are actually looking at issues like who is the population, not only its age and sex, but what kinds of diseases they are suffering from, what the appropriate range of services to be provided is, and where the most appropriate place to provide those services is, and not always relying on the facility or the institution to provide those services.

The other issues generated by the ministry range from such specialized issues as dialysis as a regional service through to the provision of French-language services and such local issues as health promotion.

The emphasis for councils has evolved from prioritizing program expansion or new program proposals to an emphasis on planning for the health system, the notion of the new and expanded programs being: not encouraging those types of submissions since 1988—that was in keeping with the whole shift from an ever-expanding hospital and health care system and the funding of hospital deficits—through to the management of the system, a much heavier emphasis on rationalization and co-ordination of services and looking to build something that looked and worked more like a system, rather than a group of independent players doing their own thing. That is one of the key elements of the notion of a health system review and the role of council in that process.

There is also a growing emphasis on regional and district envelopes. Your current operating expenditure is what you have to work with for health care, and you need to be looking at providing it in the most efficient and effective manner, and an emphasis on the most effective use of existing resources.

Future direction of councils: You have heard a little bit about the expanded role of district health councils. One of the key areas that is moving forward is the integration of health and social services. Virtually every district health council has a strong working relationship with its local representatives, its sister ministry in Community and Social Services, a growing relationship with the Ministry of Housing and in its role in the human services.

Strengthening of area-wide planning: groups of district health councils getting together to plan for those types of services which are required, whether they are small populations being served or specialized programs. Councils have been continuing to be concerned with the human resources implications of health services. This is of particular emphasis in northern Ontario.

And, of course, there is the allocation and reallocation of funds for the system. An example of that is the health system review.

The Chair: Could I just interject here? How much longer do you think you are going to be? We are under some time constraints and I know the members would like to pursue some areas with you.

Mr McEwen: If you like, I will conclude my remarks. The rest of the presentation is before you.

The Chair: Thank you very much. I appreciate that.

Mr Grandmaître: On the integration, this morning the Hamilton-Wentworth people appeared before us and I asked them a question, "Did you take part in, or what was your involvement in, the SARC report?" and they said none. Now we are talking about the integration of health and social services. Can you tell me how come these people were not involved in the making of the SARC report? How come they were not involved? I believe some services should be integrated.

Mr McEwen: I am afraid I cannot give you a sound answer to that.

Mr Grandmaître: It seems if you are going to integrate or amalgamate services, people who are part of the amalgamation or fusion of these services should be part, maybe not of the final decision-making process, but at least of the writing of the report or the recommendations to the different ministries.

Mr Bigenwald: The historic relationship of district health councils, by legislation, was that the councils report to the Minister of Health. Over the years, consistent with the original terms of reference, the district health councils typically developed a working relationship with their colleagues from the Ministry of Community and Social Services to solve specific issues. If there was, for example, a difficulty, a needed service for children, which has always been an issue that bridged both sides, typically that issue would be solved right at the local level, between that level.

The broader discussion of the integration of the two ministries, and particularly what eventually leads to the joint division between the two ministries for the long-term care reform, is of more recent vintage. I think it is fair to say that up until the last couple of years, district health councils did not have a specific advisory role to the Ministry of Community and Social Services. That is a roundabout way of saying they would not have been asked directly for input into the evolution of the SARC report at that time.

Mr Grandmaître: Back in 1989, when SARC was instituted and the role of the DHCs was improved, I still cannot understand how come these people were not part of the process. When you look at the role of DHCs, they are antennas. They are out there to feed you information as to the needs of the community and how people feel in their district areas, yet they were not part of it. I find this very strange.

This morning, again, when we were talking to the Hamilton-Wentworth people, they were talking about communication. It is not only in your ministry. I think it is right across the previous and the present government; I have to qualify this. Communication is always important and these people were complaining somewhat about the kinds of communication or the lack of communication they were having between the ministry, the minister and district health councils.

Another thing, if I may add, is that these people were saying we had two changes in ministers, and maybe three or four in the last two and a half years. Also personnel: They had to deal with different people every four, five or six months. How many changes took place in your area of management in the last six or 12 months? I am talking about human resources.

1540

Mr McEwen: My particular area of the ministry has undergone four reorganizations in four years.

Mr Bradley: You must be due for another one.

Mr Grandmaître: It is like municipal official plans; they get reviewed every five years.

Another thing, the Haliburton people were saying they were told back in 1989: "Don't send us your wish list. We don't have the money. It's no use." Did every district health council receive this directive back in 1989?

Mr McEwen: The whole issue of new and expanded hospital-based programs became a very difficult planning process that worked against a number of priorities. It encouraged hospitals to work by themselves and to pursue individual initiatives. Some of the criticisms of that process were that some of the submissions covered programs that had already been implemented without approval. There were other means of trying to deal with deficits.

When the ministry began to look at a better level of management of the system, the idea of new and expanded programs as individual submissions—I believe your terminology of "wish list" is very accurate—shifted to an emphasis on not funding deficits, management of the system, reallocation of funding within the system, reduction in duplication and bringing the system under some form of control. There was funding for growth and there was funding for life-support programs, those kinds of things, but the idea of having wish lists generated all across the province became very counterproductive.

Mr Grandmaître: Does that mean that when the minister stands in the House and says, "Thirty million dollars here, \$30 million there, \$25 million over there," it means it is a rehash of old programs?

Mr McEwen: No. We are getting into some technicalities about specific program funding issues that are not my day-to-day area of responsibility, but I will do my best to answer the question.

On the funding for growth and funding for life-support programs, the announcements around cardiac, cancer, neonatal intensive care, dialysis and a number of those initiatives, cardiac and cancer, for example, are considered to be provincial programs and are planned for provincially. Depending on the type of announcement and whatever, no, they are not rehashes of old programs, but—

Mr Grandmaître: I am sorry to interrupt. When you talk about provincial programs, did they not initiate, let us say a year or two years ago, from feedback from the DHCs?

Mr McEwen: I am not sure of your question.

Mr Grandmaître: The minister did not wake up one morning and decide, "Let's do this." Usually a ministry

will take maybe six months, maybe 12 months to work on a program.

The Chair: Unless you have John White dreaming.

Mr Bradley: Lots of people do not know who John White is.

The Chair: I know. That is a dated joke, is it not?

Mr Grandmaitre: Yes, it is. What I am getting at is that it takes a long time not only for governments but the private industry to plan these things. You do not wake up one morning and say, "Hey, we are going to do this." So now the feeling I am getting is that DHCs were not given more power; they were given less power as far as I am concerned. Back in 1989 they were told, "Don't send us a wish list," and now the minister stands up and says, "We're going to do this and we're going to do that," and they are called provincial programs.

I have great difficulty distinguishing between a provincial program and programs that were initiated, or thoughts of a program that were initiated, 18 months or 24 months ago by DHCs. They are supposed to advise the minister or the ministry. They are called provincial programs so: "We don't need the input of DHCs. We're going to call it a provincial program." Do you see what I am getting at? Maybe I am totally wrong.

Mr McEwen: I certainly do not want to leave you with that impression. There are certain programs. The ministry, for example, in cancer takes its advice from the Ontario Cancer Treatment and Research Foundation and the district health councils would like to me more involved in that process. I would like to use Haliburton, Kawartha and Pine Ridge for a moment as an example of district health council input in terms of the 18 chronic care beds that were announced for Haliburton.

The ministry asked the DHC to undertake a review process, and the review process was probably one of the best we have undertaken in the province in terms of the quality and nature of the data gathered. They did surveys not only of everyone who was in a bed, but also of all the people on a waiting list, and it was virtually, given a small number of people, a 100% sample. They came back with a report that stated that indeed the beds were required. The ministry is now dealing with that report, but it was a major initiative and done extremely well.

1550

Mr Frankford: In the expanded role of DHCs, one of them is to be involved in the allocation of funds, I believe. It seems to me that even if DHCs are not developing wish lists, one could see ways in which they could encourage programs which would save funds. If preventive programs work, this should save some costs. Would there be a role for the DHC to have some say in spending those saved dollars?

Mr McEwen: The difficult thing with saved dollars at the moment, particularly in the institutional sector, is that with certain types of bed reductions it is to balance the budget and some of those kinds of issues. There certainly is the notion in long-term care and chronic care beds that there will be some reallocation. There are some areas of the province that are over-bedded in acute care and the

possibility exists for some reallocation of funds in those types of areas, but that would be over a reasonably long period of time.

I feel that yes, there is a role for district health councils in the reallocation of resources, and that requires that a council have undertaken a relatively rigorous planning exercise for the community and have a good handle on what the spectrum of services are that are required.

Mr Frankford: That is not something that is happening at the moment?

Mr McEwen: It is in a number of communities, particularly in areas where we have encouraged the notion of a health system review. That is happening.

Mr Frankford: There is a reference in the submission of the Haliburton council to independent health facilities as a way in which costs may be saved by a less hospital-based approach. That is one example which was raised. I would suggest there could be saved funds there. The council seems to think it might have a role in reallocating.

Mr McLean: Would you give me the chain of command, how it works in the ministry. You have your district health council. Do they report to the policy planning evaluation committee, and does it in turn report to the health planning branch? What is the chain of command there?

Mr McEwen: The chain of command is that the district health council is advisory to the minister and it sends its advice under covering letter to the minister. Then it comes down from the minister's office to the ministry, to my branch actually, to co-ordinate.

One of the common complaints of councils is that it takes so damn long to get a response from the Ministry of Health. It is important to recognize that much of the work of councils centres around fairly major studies that can contain from 75 on up recommendations that touch on the Ministry of Health, the Ministry of Community and Social Services, sometimes the Ministry of Housing, sometimes the Ministry of Culture and Communications, sometimes the Ministry of Tourism and Recreation, sometimes the Ministry of Education, and sometimes affect their own municipalities in the area.

Where it is fairly straightforward, it takes a while to get all that together. When councils raise major policy issues, issues around things like palliative care and ambulatory care centres, and initiatives where there is no clear policy in the ministry as yet, those become rather difficult to respond to and are meant to be. Sometimes the recommendation is included knowing full well that it is meant to tickle someone.

Mr McLean: So the health planning branch is kind of the go-between.

Mr McEwen: We act as a co-ordinating function between various ministry divisions and the district health councils.

Mr McLean: Would you say that is the branch where there seems to be the problem?

Mr McEwen: That is my branch.

The Chair: Totally objective answer.

Mr McEwen: We attempt to be part of the solution. I am sure that many would see us as at least part of the problem.

Mr McLean: I have a question that I hope you will be able to answer in the health planning branch.

For a long time I have been a firm believer that we have hospitals full of chronic care patients, whole floors of chronic care patients. Why is there not some movement to get those people into a home for the aged or into a setting where there is a homey atmosphere and at about half the price we are paying in chronic care. Why is somebody not doing something about it?

Mr McEwen: The two ministries are, and that is the whole purpose of the long-term care redirection, the notion that Ontario institutionalizes its elderly like no one else in the world. The ultimate objective is to look at other forms of communal living as an alternative to putting someone on a hospital floor, at a home environment and idea that growing old is something that does not have to be done.

Mr McLean: Are there any reports or studies being done to determine if that is feasible, and how many people in the province would they be looking at? I see nothing. I always hear that reports and studies are being done, and really nothing is being done from what I see. Is there something that I can see to know that there is a movement to get more people into a homey setting instead of sitting up looking at another roof?

Mr McEwen: It was really in the summer that Mrs Akande made the announcement, and I am pretty sure the report was released at that same time, so there is some documentation on the issue.

Mr McLean: What is the name of the report?

Mr McEwen: It is Redirection of Long-Term Care Services.

Mr B. Ward: We heard from the previous presenters that they have managed to gain co-operation between two major hospitals in one city, and the feeling was that this led, if not to actual cost savings, at least to cost containment because of co-operation, elimination of duplication etc. Is that something that your branch would be encouraging health councils throughout Ontario to look at, to get co-operation among various hospitals to attempt to ensure that any health tax expenditure is effective and not going towards duplication of services, which may happen in some cases?

Mr McEwen: Certainly, that is one of the major thrusts of councils, the bringing together of the major institutions, particularly in places like two-hospital towns and multi-institutional centres, to deal with those very issues. In earlier times, it was easier for hospitals not to do that, but with the policy of not funding deficits and hospitals seeing themselves in a position where they need to co-operate and rationalize services, and with councils working towards that goal with the hospitals and the hospitals beginning to see real advantage in it, I think we will see much better results in that area.

Mr McLean: Is it fair to say that the ministry and the minister are supportive of preparing planning documents—I guess that is what it would take—to examine the roles of each hospital in the community and project what that role will be in the future? Is it fair to say that the ministry is supportive of that type of effort?

Mr McEwen: Yes, and that thought needs to be expanded in terms of not an individual facility but the various facilities that would exist in a county or district health council area, looking at themselves as part of a system, as opposed to being individual facilities with an individual role.

Mr B. Ward: Part of the community, in effect, rather than in isolation?

Mr McEwen: Yes.

Mr Bigenwald: In fact, at any given time, there are probably a dozen of those kinds of studies going on across the province.

Mr B. Ward: Are they flowed through the health councils or are they flowed through the ministry?

Mr Bigenwald: They are often actually initiated and done by the councils, or if not initiated by the councils, they would go through the councils.

The Chair: I would like to follow up briefly on what Mr Ward raised in terms of rationalization in respect to my own riding. I know in the city of Brockville, they have been arguing for about 30 years about rationalization of the two hospitals. They finally came to some agreement—it must be approaching two years ago now—and they are still awaiting some word from the Ministry of Health, the minister's office, in respect to proceeding to the next phase, and unable to get any kind of response whatsoever from the Ministry of Health. It is a damned frustrating exercise, I want to say.

I have had people, the chairman of the board of the St Vincent de Paul Hospital and the Brockville General Hospital and others involved, say: "Look, we have people who are extremely enthusiastic about this exercise we're finally getting co-operation in the community, and we are not getting any response from the Ministry of Health. It's damned frustrating." I do not see any good answers for those concerns forthcoming. No response?

1600

Mr McEwen: I worked with that particular committee for its first stages and I am very well aware of the effort that went into that. The ministry started health system reviews on a community-by-community basis, and what we ended up with was a variety of reports dealing with a variety of issues and the scope tended to be different from community to community.

What we were asked to do was to put together a framework which would be explicit about what the ministry expected from these exercises and much clearer on what the parameters were. That process seems like for ever to the communities that have participated, but from a planning perspective it was a pretty short time frame to put something together that would be able to cover an exercise that one would refer to as a health system review, which had the possibility of covering everything from primary care through to rehabilitation.

That is currently under review by very senior parts of the ministry and the minister has yet to have an opportunity to see it. That has been the holdup. A number of communities are going to say, "Good God, we waited all this time for this?" But I think it will be helpful.

The Chair: So you think there is a light at the end of the tunnel?

Mr McEwen: Yes. God, I hope so.

The Chair: I have another question in respect to mental health and again it deals with my own riding in respect to deinstitutionalization, which, for whatever reason, has been a very popular sort of thing to do in the past couple of decades and it is creating a lot of problems in my own community.

I was wondering what role the health councils have in respect of funds allocated for community resources when you are shoving people out of mental health facilities across this province, and many citizens view those measures as inappropriate in respect to the fact that some of these people are not ready for community life. That is an observation anyway, whether it is accurate or not. When they are shoved out into the community, there are simply not the resources to deal with them, to handle them. You see people even in the city of Toronto sleeping in bus stops and what have you. I am just wondering if health councils have a role to play or do play a role in respect of that.

Mr McEwen: Councils were asked to use the Graham report as the basis for developing mental health plans for each of the districts and a good deal of time and effort has gone into that. At the end of this year there should be mental health plans for each district; that provides the framework for building mental health services for the community.

A community such as yours, which actually has a provincial psychiatric hospital, has particular concerns. I am trusting that the district health council has taken that particular issue into account in its planning.

Mr Bigenwald: Historically, I guess ever since the early 1970s when that deinstitutionalization began, it has really been the district health councils that have done the planning and the pulling together of community resources for those, I think, now over 500 community mental health programs. Up until recently, there used to be a call for proposals yearly, or about every 18 months, and it would be the district health councils that would develop those proposals with community partners, rank those proposals and send them to the ministry, which led to the funding and the development of the programs that now do exist.

The Chair: One final question, Mr Bradley.

Mr Bradley: Yes, it is regarding CAT scanners and the policy of CAT scanners. I have drawn a conclusion from a series of articles in the St Catharines Standard by its health reporter, John Nicol, who has done some investigative reporting in this direction, that you have changed your policy as a ministry, that you are no longer dealing with district health councils when allocating CAT scanners and that you are now dealing with individual hospitals.

In other words, your ministry has now invited individual hospitals to deal directly with the ministry in making a bid for CAT scanners, which is alleged to be a change in policy, and certainly for those in the Niagara region who are lining up for five months for elective work done by the CAT scanner, it is not very pleasing news. My understanding is that the district health council has almost

thrown its hands up in exasperation when it thought it had moved to a certain point in time.

My question is, first of all, is it accurate to say that you have changed your policy, that individual hospitals now make their bid directly to the ministry for the allocation of permission to install a CAT scan machine?

Mr McEwen: No. The ministry's former policy, as I recall—and I hope I have this correct—was that originally you had to have special approval and the ministry would give a grant of \$150,000 and the hospital had to be able to fund the rest of the CAT scanner within its operating expenditure, but it required special permission.

The ministry is currently reviewing its policy and there is no policy statement that has yet been prepared to reflect what many people feel is a change in the status of the CAT scanner, as opposed to a piece of equipment like MRI, which is still experimental or under review and this sort of thing. I called, when I heard your question this morning, and the paper is not written.

Mr Bradley: Does this mean that all requests for permission to install a CAT scanner are on hold, that the ministry will not approve any until such time as a new policy is developed?

Mr McEwen: I would not want to make a definitive statement like that, but I think the notion of the development of a policy will be important in that process.

Mr Bradley: Actually, the kinds of questions I would pursue further to this, Mr Chairman, would more appropriately be pursued with the Minister of Health as opposed to the witnesses we have today. However, I did want to raise it in the context of district health councils, because it was my impression that they were to play a significant role to avoid the situation where individual, favoured hospitals would make their individual bids to the ministry.

Again, it is a bit of an end run, I guess, around district health councils. We all know the problems. You have to deal with it all the time when people try to do an end run around district health councils. I know your general policy has been not to ignore completely, but certainly to try to work through the district health council and unless there is political interference by a minister, which you have to put up with, that you would deal directly with the health council.

That was my concern, that it seems under the new policy direction that is evolving that district health councils will have a diminished role to play in the allocation of CAT scanners or MRIs, I think they are called, magnetic resonance imagers. Is that not correct?

Mr McEwen: I do not believe there is any intention to remove the notion of CAT scanners and where they would be placed from district health council review.

Mr Bradley: I will cut my questions off on that now, because I think it is more appropriately pursued either with the minister or in estimates. I just wanted to put it in the context of district health councils.

The Chair: As the agenda indicates, we are going into a closed session to discuss this question and provide some guidance to our research officer.

The committee continued in camera at 1609.

CONTENTS

Wednesday 7 August 1991

| | |
|---|--------|
| Agency review: District Health Councils | .A-543 |
| Hamilton-Wentworth District Health Council | .A-543 |
| Haliburton, Kawartha and Pine Ridge District Health Council | .A-554 |
| Ministry of Health | .A-563 |
| Continued in camera | .A-568 |

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Agency review

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Première session, 35^e législature

Journal des débats (Hansard)

Le jeudi 8 août 1991

Comité permanent des organismes gouvernementaux

Examen des organismes
gouvernementaux



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Table of Contents

Table of Contents for proceedings reported in this issue appears at the back, together with a list of committee members and other members taking part.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Thursday 8 August 1991

The committee met at 1046 in committee room 1.

AGENCY REVIEW

Resuming consideration of the operations of certain agencies, boards and commissions.

ONTARIO EDUCATIONAL COMMUNICATIONS AUTHORITY

The Chair: There are witnesses to the committee this morning, officials from the Ontario Educational Communications Authority, starting with Mr Bernard Ostry. Welcome, Mr Ostry, to the committee. I assume you have some sort of opening statement you would like to make.

Mr Ostry: Yes, I understood it was in order for people on the carpet to come in and have five or 10 minutes.

The Chair: You are not exactly on the carpet. I would like to have an indication from you how long you expect your opening statement to last.

Mr Ostry: About 10 minutes, if that is satisfactory.

The Chair: That is fine. Also, could I ask you to introduce the other members with you?

Mr Ostry: Yes, I would be glad to.

Good morning, Mr Chairman and distinguished members of this committee. I am Bernard Ostry, as Mr Runciman has indicated, and with me today are members of TVOntario's board of directors, advisory councils and senior staff, whom, with your permission, I would like to introduce.

They are Erica Cherney, who is the vice-chair of the board; Michael Levine, who is the board member and chair of our programming committee; on my immediate left, Suzanne Rochon-Burnett, who is the board member responsible for liaison with the native advisory committee; and Don Mills, the secretary of the board.

At the back—maybe people could identify themselves because in the course of the morning or afternoon they may be coming forward—Peter Bowers, the chief operating officer; Ross Mayot, the managing director of community, government and corporate development; Jacques Bensimon, the managing director of French programming services; Don Duprey, the managing director of English programming services; Olga Kuplowska, managing director of planning and policy research; Judith Tobin, director general of international affairs; and Lawrence Martin, who is the chair of the northwest advisory council and the member of our native advisory committee.

We welcome the opportunity to appear before you today, Mr Chairman, to answer questions as best we can, and in some small way contribute to increasing our mutual understanding of what makes TVOntario a unique and viable institution. We hope our responses and discussion will encourage a deeper appreciation of the value to Ontarians of an institution which all parties over the years have consistently supported.

The worlds of education and broadcasting have undergone enormous changes since 1980, which was the last time that TVOntario appeared before what was then the committee on procedural affairs. There were four recommendations made by the committee at the time, all of which were acted upon by TVO. Details, for those who are interested, are contained in the printed text that we will leave with the clerk of the committee.

I would, however, like to comment briefly on recommendations 1 and 2 of the 1980 review which focused on the objective of self-generated revenues. In 1980, TVOntario generated \$1.2 million, virtually all from the sale of our programs elsewhere in Canada and in the United States. In 1990, TVOntario generated \$18 million from program sales, public membership and project revenue. The total generated over the period since the recommendation of the committee to increase self-generated revenues was made is \$110 million. Self-generated revenues today account for approximately 30% of our annual operating revenues; the other 70% comes from base funding.

I would now like to take a few moments to outline briefly for the committee some of the activities and achievements of TVOntario as it pursues and fulfils its mandate of meeting some of the educational and cultural needs of Ontarians. We would then be pleased to respond to your questions.

The questionnaire that we completed provides you with the basics, so I will not take your time here repeating some of the fundamental information on which you have been briefed. However, it is important to bear in mind that TVOntario is a unique, dynamic and competitive international broadcast business, distributing educational programming to some 90% of the province's population.

We hold licences for two networks, in addition to that of this Legislature, and broadcast in both English and French 16 hours a day, every day, reaching about two million viewers at home every week, tens of thousands of children in over 5,000 schools throughout Ontario and hundreds of educators in classrooms, staff rooms and school boards.

TVOntario is a remarkable resource and instrument for education and for change in which Ontario has invested for more than 20 years. It is recognized in Canada, in the United States and around the world as the best of its kind and a committed component of the education system. And finally, it is an organization in which we all can take pride, as it reflects Ontario's ability to successfully compete and earn respect in the international education and broadcast industry arenas.

I would like to have been able to use this opportunity to describe in some detail the diversity and complexity of our activities in programming and the support systems for its use, the technical side of our organization, the consultative structures and partnerships which give credence and relevance to our efforts. For reasons of time, I cannot go into this in detail, but it is contained in the printed text of my

remarks, and I hope your questions will allow us to highlight some of these elements. I do, however, want to give some figures on the use of our programming and whom we are reaching. I will also try to go beyond figures and give you a sense of how we respond to social diversity and to the variety of our constituencies.

Some statistics from two recent TVOntario studies, one conducted in French-language schools and the other in English-language schools, show how TVOntario has become an integral part of the Ontario classroom. Over 75% of teachers in Ontario schools, French and English, elementary and secondary, use educational television and video in their classrooms, reaching as high as 86% for English secondary school science teachers. This use has more than doubled in five years, and our citizens are increasingly aware of the ways television can support learning. A recent poll commissioned by the Ontario Institute for Studies in Education corroborates these trends, revealing that 75% of Ontarians consider educational television important in furthering the education of adults.

As the province's educational broadcaster, and as a unique public service institution, TVOntario has long felt a particular responsibility to ensure that our programming reflects not only positive images of men and women, but also the changing faces of our society. The adoption in 1989 by TVOntario's board of directors of a revised and strengthened multiculturalism policy, addressing TVOntario's role as an employer and educational broadcaster and a community resource, was the result of many, many months of consultation and analysis, as well as representation by our advisory councils. The policy has provided a framework for moving forward in this area and implementation has been facilitated in the past year by our hiring of a multicultural co-ordinator.

In March 1990, TVOntario's board adopted a policy to enhance and expand our relationship with the aboriginal people of Ontario. Building on the quality relationship we have maintained for years with the Wawatay Native Communications Society, on the expertise and awareness among our advisory councillors, board members, staff and on the more recent series of consultations around the province, the strengthened policy and its accompanying guidelines state our commitment to increasing aboriginal access to TVOntario's programs and services, to supporting the expansion of the supply of aboriginal language and educational resources, and to raising the visibility of aboriginal culture, history and talent in TVOntario programming.

In fact, societal diversity takes many different forms in TVOntario programming. The Many Voices series on children's perspectives on racism and ethnocultural diversity has generated interest and acclaim. Challenge Journal is a series about the issues facing persons with disabilities. Premiering this fall is a series tentatively titled Hotline to Seniors that will deal with senior citizens' issues.

Recently la chaîne française co-produced with Glendon College a series entitled *La femme et la santé*, a course that will be credited in bilingual colleges and universities. In the public affairs area, our series *WorkWeek* looks at a wide variety of employment issues from the point of view of people who are in the labour market.

These are all instances of TVOntario's determination to be accessible and give voice to as many segments of Ontario society as we can. These groups are our constituents as well as yours. They are part of the whole we are mandated to serve.

Another instance of TVOntario's commitment to being accessible is the ever-increasing number of hours of closed-captioned programming for the hearing impaired. We have moved from 80 hours of closed-captioned programming in 1988-89 to 200 hours in both English and French in 1990-91. We will continue to strive to increase those numbers, both in our own productions and in programs we commission or acquire.

Whether it is through the distribution of our broadcast signal, our partnership with the Wawatay Native Communications Society, our children's programming and the adult fare our research shows people are asking for and using, or our efforts to support lifelong learning and distance education, TVOntario is above all concerned with service to all Ontarians and providing them with access to education and equality of opportunity. We could not have achieved the reputation for excellence that we enjoy without the assistance, input, participation and encouragement of our many partners concerned with the many-sided, multifaceted issues of education.

I realize that one of the functions of the standing committee is to review and to establish to committee members' satisfaction whether the mandate of the agency under review is being achieved through the best possible use of the public money invested in it. Many of the items in your questionnaire were designed to provide you with detailed information against which to consider these issues. I hope you found our answers complete and perhaps instructive.

As I said at the outset, we are a unique and complex organization, for we function in a complex environment, facing at one and the same time provincial, national and international requirements and constraints at the junction of the public and private sectors. Our planning process tries to take these different factors into account while building on the contribution of each sector of the organization.

Time and timing are also of major importance in the business. Our corporate plan takes us into the three-to-five-year period beyond the current fiscal year. At the same time, our plan is reviewed yearly for progress towards corporate goals and submitted to the ministry, along with our capital and extension-of-service plans and our funding submission. This latter document is the result of extensive analysis and discussion and has, I know, been referred to by Management Board as a model for other agencies.

1100

We believe that the procedures, practices and regularly scheduled reviews in place at present at TVOntario allow for careful and appropriate monitoring of our budgets and spending. TVOntario, through its board of directors, retains the freedom and responsibility for taking internal budget decisions and making adjustments according to identified needs or priorities, with regular reports on the management of its resources made to the appropriate government or regulatory authorities.

The quality and, I might say, quantity of budget analyses in reviews can be attested to by our board and in particular its finance committee, chaired by David Galloway, president of Torstar Corp, and by the ministry and Management Board analysts who receive our documents and thoroughly review them with us. The quality of our management processes is also reflected in last year's unconditional audit of our finances, in the balanced budget we have maintained in the face of increased industry and public-sector-related costs and in the successful balancing of our financial capabilities and new programming demands on the organization. You have only to compare programming cutbacks, membership problems, staffing cuts and program sales slumps at the CBC, PBS, the BBC or our sister networks in Alberta and Quebec with our record in sales, membership, new programming initiatives and internal adjustments. You will immediately see that we have managed efficiently and effectively, without such cutbacks to staff or to programming, to make effective use of public money.

We are doing much more, though I must stress that it is often through special projects, while our base funding, which supports the infrastructure on which all these projects depend, is not keeping up with inflation.

There are new needs, needs you are keenly aware of, needs, for example, for providing new opportunities for training and skills development to help Ontario's economy survive and thrive in the 21st century. TVOntario tabled a proposal for an Ontario skills channel with government authorities in April. We believe, on the basis of our own research, our knowledge of the extraordinary growth of similar American services and the crying need in Canada for better training of our workforce, that for a very reasonable cost TVOntario, with its existing expertise and infrastructure, could provide a skills and training service on a new channel and exploit the tremendous potential of television and video for reaching people in the home or in the workplace and supporting their acquisition of new skills.

This is but one example of our capacity to be sensitive to needs, to recognize where past investment can be put to future use, to provide at least part of a concrete solution to needs which are spoken of and written of, but which have engendered little action.

May I, in conclusion, stress the vital importance of legislators' support of TVOntario to our ability to fulfil our goals. As MPPs, your contribution to our work is invaluable. Whether you support us as Friends of TVOntario, and that includes several members of this committee, as volunteers in a membership campaign or by attending TVOntario events in your ridings, valuing the good relations we enjoy with you, we also welcome any suggestions you may have for more effective relations between us.

Are there ways we can keep you better informed of our partnerships and initiatives, as well as of our programming, and help you to relate them to the real interests of your constituents and the public agenda? Apart from the Friends of TVOntario structure, are there other ways the support can continue to extend across party lines? Can we improve dialogue and understanding and your confidence in this provincial resource while maintaining the healthy

arm's-length relationship required by both provincial and federal legislation guidelines and practices?

A stronger relationship can only work to our mutual advantage. As elected representatives of the people, you will be better satisfied as to how their needs and your concerns are being met. Your support will also impact on the quality of our programming, how we are known and perceived and how well we reach and serve our publics. More effective co-operation can only lead to even greater achievement of those goals we hold in common for all Ontarians. Based on such support and co-operation, I believe the best and brightest days of educational television are still to come.

There is much more to say about our goals and services, but I will stop here. We are a long way from being perfect, but we are generally acknowledged to be the best in our business. I hope that much more of our success story, one that premiers Davis, Peterson and Rae have lauded and supported from our meagre beginnings to the present day, will emerge through the questions you have.

The Chair: Thank you very much, Mr Ostry. Before beginning questioning, I just want to remind members of the time guidelines we agreed to prior to the open session. We will begin the questions with Mrs Marland.

Mrs Marland: Thank you for your opening comments, Mr Ostry. Let me just place on the record that, as the person who raised the questions in the Legislature in the spring this year about some of the spending and budgetary operations of TVO, at no time was I criticizing the program aspect of TVOntario and I totally endorse the need for TVOntario. I compliment the history of this organization, and my questions are not directed at bringing down the corporation or suggesting that there is any reason to change the direction that TVO has been going since its inception.

You said at the end of your comments this morning that you would do anything you can do to help the real interests of the people of this province, and the questions I have for you are the real interests of the constituents in my riding and the people from around the province who have raised questions with me. I recognize that at this point, until we have the auditor's report, a lot of what we have heard are allegations, and I am glad you are here today in this forum in order that you may be able to deal with some of those allegations.

To start with your final comment about wanting to do whatever you can to help, I would like to bring to your attention that apparently there was a call from Mr Mills, who is present this morning, as secretary to the board of directors and general counsel for TVO, on 27 February, where he said in essence that he was not in a position to provide information freely about the operation of TVO. He said that the request for information would have to be in writing; he said that they will not provide information if it is wanted for a researcher or other than an MPP; and he said that he would place that kind of request before the board and there would be no guarantee as to what, if any, information the board might agree to release.

So my question to you is twofold. One is that you know as well as we do that TVOntario is not subject to the

Freedom of Information and Protection of Privacy Act. Therefore, the public has no way of getting a handle on a lot of the detail as to where money is spent and who are the beneficiaries of money allocated through salaries and contracts. You are sitting in the position as chairman of the board on the one hand and chief executive officer on the other. So my first question is, do you not see that as a conflict?

Mr Ostry: Do I not see the combined positions as a conflict?

Mrs Marland: Yes.

1110

Mr Ostry: Since I will not be here very long, I can try and answer that question; I am not somebody looking after my own office. That is a subject that has come up over many years, and not only in TVOntario but at the CBC and at other places where the positions were combined for many years. When the issue was raised with me when I was the deputy minister, my response at that time was to the then chairman and CEO that he should make recommendations which reflect the specific interests of TVO and explain why it would be better to split the positions before we asked the Legislature to reopen the legislation. I never heard back, to my recollection, and then he was gone.

In the case of the CBC, I think it is very important, and if you have a special interest in the subject—

Mrs Marland: No, I am discussing TVO.

Mr Ostry: Yes, but if you are interested in it, the subject is no different for TVO.

Mrs Marland: Do you think it is a conflict? Just a direct question.

Mr Ostry: No, I do not. Not only do I not think it is a conflict, I think it is a very important advantage if there is going to be any unity of leadership in the place, because, as we know from looking at other places like Russia, you cannot separate ends and means, and if you pretend that you can have policy without a clear understanding of the operational requirements to make that happen and not encourage conflict between those, which a split, in my view, would do, then I think you will recognize the importance of having a unity of purpose at the top.

Mrs Marland: There was a lot of discussion in the spring about the renovations that TVO was making to a building which it rented, in excess of \$2 million, we understand, which included renovations to the executive suite, the boardroom, and also included the now infamous nine televisions in your office. For a publicly funded television service in Ontario, funded by the public taxpayers and also funded by public subscription, can you defend, first of all, having nine televisions in your office?

Mr Ostry: Yes, I would be glad to. I do not have nine television sets in the office in the sense that that would be interpreted by people who have a television set in their bedroom or living room. I have what are called monitors that are directly connected with one feed and they are on a wall so that they can be on and provide an environment for me in terms of what I do.

Mrs Marland: Why do you need nine monitors?

Mr Ostry: I will explain that. We are in a programming business. We are not in some other business. We are in the business of making programs and drawing the attention of our various publics to those programs, and we compete outside with a number of other public sector institutions which are trying to draw attention to their programs.

Every day or two, at our early management committee meetings, we have a piece of paper which indicates where English and French programming are going with respect to new programs that might be started, pilots, stuff that is on its way and the rest. Those are titles. They have a few lines in description. If I were to spend my time watching each one of the programs being made in the studio so that I understood what it was, with 12,000 hours going on, I could not be in my office at all. Therefore, I have to be able to see them when they are on. I have also to be able to see how they line up with the competition.

The monitors consist of the TVO feed from the master control so I can see the quality of the feed that is going out to the public as compared with what is on screen. That is two. la chaîne is three. The CBC English and French make five. PBS is six. Newsworld, with whom we have a close partnership, working relationship, which I will come back to, is seven. This Legislature, which we have the licence for, is eight. The ninth is there because we thought the CRTC was going to license a second PBS channel and it did not, so it is blank. I do not know how other chief executives and chairmen—

Mrs Marland: The chairman of CBS has three television sets, apparently.

Mr Ostry: Yes, but as the Globe and Mail describes today, they are going broke. One of the problems—

Mrs Marland: Are you operating on a balanced budget?

Mr Ostry: Yes. We have not had a deficit since I have been there, ever. I said that in my opening remarks, I think. But the point is an important point about the leadership of the place. I am not in, like Global or CTV, like Mr Cassaday, who came from Campbell Soup—To deal with a commercial network is actually much simpler. It might not sound that way, but it is relatively easy to spend your day looking at the balance sheet to find out whether the programs somebody has acquired are drawing in the advertisers to ensure a profit at the end of the year. That is a very simple, straightforward thing, and even that the high-paid people in NBC and CBS and ABC are not able to cope with, according to this morning's Globe, nor is our cable industry.

In my style of leading this place, I insist on being bathed in the programming and in what the competition is in order to understand what we are about. This morning somebody, I think the auditors, asked me what good they are, what the evidence was that they do anything. The things were on and the sound was not.

Mrs Marland: Do you still have them there? Do you still have these nine monitors in your office?

Mr Ostry: Certainly. I hope my successor will have them, because they are an investment and good for 15 years or so.

Mrs Marland: What did they cost?

Mr Ostry: They were \$700 each, I believe.

Mrs Marland: What was the installation and the cost of the wiring in the wall?

Mr Ostry: One of my colleagues can give you that information. The cost of taking the Financial Times to read and to inform yourself in this country is about \$500 a year. Anybody in the information business, whether it is an editor or a publisher of any of the newspapers in this town, cannot operate by reading only his own. If you read Time magazine and Maclean's—

Mrs Marland: Excuse me, Mr Ostry, it is too long.

The Chair: Mr Ostry, complete this and then move on. We will come back to you.

Mr Ostry: I am trying to explain why it is important in my capacity, to respond to my programmers and to the scheduling people and to others, to know what is going on. That is the easiest and cheapest way, in terms of my time, to know.

Mrs Marland: For the CEO to be spending his time doing that?

The Chair: You will have another opportunity.

Mr Ostry: Not me.

The Chair: We will still have a lot of opportunity. We have to try to divide this as fairly as we can.

Mr B. Ward: Margaret has asked most of the good questions, but I think there are some left. I think part of the cost of putting in those monitors was that you had some plaster work done as well. I recall reading in one of the magazines about \$11,000 for plaster. Maybe it was inaccurate; I do not know.

I would like to touch on part of what I perceive the mandate of TVO to be, from an educational standpoint. You mentioned the apparent success you are having from an educational standpoint, the use of TVO by teachers in the school curriculum. Over the last couple of years, how much has the programming budget increased for our children and youth education shows, a ballpark figure, 10%, 15%, more, less?

Mr Ostry: I would not like to give you a ballpark figure. We gave ballpark figures, if you like, in the questionnaire, which showed the growth from it—

Mr B. Ward: It has increased, though?

Mr Ostry: Oh, yes, dramatically.

Mr B. Ward: Over the last dramatic increase.

Mr Ostry: I think that is correct. The programmer will tell you. It is my view that they are substantially increased.

Mrs Marland: Do you not know the percentage points?

Mr B. Ward: Maybe somebody could find that out for us.

Mr Ostry: But over what years?

1120

Mr B. Ward: Even over the last couple of years.

Mr Ostry: Two fiscal years?

Mr B. Ward: Sure. Would you say, under the stewardship of your CEO/chairmanship, that TVO has been run in a fiscally responsible, well-managed fashion?

Mr Ostry: Well, I do not—

Mr B. Ward: Time to beat your own drum; come on now.

Mr Ostry: It is difficult to answer the question without being immodest. If I say yes I am immodest and if I say no you are going to say, "What's gone wrong?"

Mr B. Ward: You could say you have done the best job you can.

Mr Ostry: I think we have a board and staff that have been extraordinarily accountable in this area. We have managed growth in the programming area, for example, and through our marketing and other resources and project funding, so we can improve the quantity and quality of our programming. We have managed to do this in an environment, which is what I was trying to say a moment ago, in which our colleagues in the business have been going in another direction.

I am not saying they are not well managed, but we must be doing something right in an environment in which the cable industry has asked the government to act to protect it because it is no longer in the profit area it was a few years ago. In recent articles in series in both the Financial Post and the Globe, CTV and others have been talking about hopefully coming out of their reduced profit margins, and we have managed in the public sector to continue to provide the services we were meant to with the moneys we received at an improved rate.

Mr B. Ward: You have a library in the facility and I understand it has been moved two or three times; according to the one article in the Toronto Star, twice. Is that good management? Obviously there was a cost to this.

Mr Ostry: Of course. There are problems of that kind that occur and they are not a result of good or bad management. It is the result of being boxed in, in a building that was not designed for the purposes which we operate to serve. In an office building, which we are in, every time we have to do something to respond to the technical side of programmer requirements, we have to make a number of moves and they certainly are not the most efficient way to have to deal with those issues. But we have never had a building that was designed for our purpose, and that is one of the problems. That thing with the library is an unfortunate thing.

Mr B. Ward: The last time you had to move the library was to build the box, is that right? Or is it a move since then?

Mr Ostry: I believe so. That is correct.

Mr B. Ward: Part of where I see the usefulness of TVO is in providing training possibilities for the people of Ontario through apprenticeship or building on technical abilities, especially for our minorities, native people and women.

Mr Ostry: Dead right.

Mr B. Ward: Could you give us your point of view on how successful TVOntario has been, from a technical

standpoint, in promoting the skills of our native people, women and people with disabilities?

Mr Ostry: I have touched briefly in my opening remarks on our attempts to do that. It is a problem. The problem is that we are the only operator to provide this service in this province and the needs are myriad. To program every day for pre-schoolchildren, schoolchildren, videos for teachers to use in the classroom and a whole range of subjects in primary and secondary and post-secondary education, there is not enough; you cannot do that.

Mr B. Ward: I am not talking about what we are watching on TV; I am talking more about behind the scenes. How many natives do we have who are camerapeople, production assistants, producers or directors?

Mr Ostry: We have a modest training program, but from the beginning we have invested in what the natives wanted us to do, which was to help them to establish their own system in the north. Through the committee we established recently, we are trying to get at something similar in the south because there are really pockets of natives in the south where they do not get TVO's signal. The interest in that is very strong. I do not know if Lawrence will want to speak to this. We have somebody who has devoted his life in the north to the Wawatay, who has been involved in their communications society, because most natives prefer that they develop their own ways of doing this in their language, for their skills, not the habits designed by other people. Perhaps you would like to hear it directly—

Mr B. Ward: I was not just focusing on natives. I mean opportunities for women and for the disabled. I am not quite sure I can get this answered.

Mr Ostry: I am trying to answer it. I think we have done more programming for the groups you have described, in their interests or reflecting their interests, than any other broadcaster in this country. I said that in my opening remarks.

Mr B. Ward: I am not talking about programming. I am talking about your staff.

Mr Ostry: Employees?

Mr B. Ward: Yes.

Mr Ostry: If you are talking about numbers of different groups among the employees, I would have difficulty answering the question, but I will get the answer for you.

Mr B. Ward: I would appreciate that. Thank you.

Mr Ostry: I can get the human resources people to do that. I do not know if they are categorized in that way, in terms of human rights, or whether you are supposed to. There are others here who would be wiser than me.

Mr Bradley: Mr Ostry, on June 4, 1988, you made a speech to the Federation of Canadian Municipalities, "Ethics and Public Service," in which you made some interesting observations about politicians and others. You have requested the assistance of members of the Legislature in furthering the cause of educational TV in Ontario, of your organization. How does that square with your comments that say the following, some of the things about politicians and so on? Why would you enlist the support of politicians when you say, for instance, on the handling of scandals:

"The scandals almost invariably concern elected officials, but in the public mind all who hold office are tarnished. The public consequently sees all officials as crooked. Especially damaging is the theory that incoming governments should make wholesale appointments as quickly as decency and the media would permit of senior officials who share their own party political outlook. Public administration is a profession, not pork barrel," Mr Ostry said, repeating an earlier call for a royal commission to look objectively at the thorny issues of patronage. "Too many elected and appointed officials are proving unworthy of the public trust given them."

You go on to say, "The official who abuses his office for private gain is not just swindling the people but injuring the free government, harming the country. There are those who blame the press and media for blowing small peccadilloes out of proportion. But my own impression is that the media are too easy on corrupt officials." Ostry, who has voiced his opposition to patronage appointments in the past, said he is concerned 'with the increasing reckless use of patronage and the misunderstanding in some quarters of the nature of public service. It was the appointment of yes-men, toadies and cronies to senior civil service posts that I objected to most, having spent most of my working life in public service.'

In view of what I, and what I think a lot of people in elected public office interpreted as somewhat of a slam at elected politicians, why would you seek the assistance of this committee of elected officials?

Mr Ostry: Obviously because I do not believe that in our democratic process all politicians are the ones who—at that time, when I was invited by that group and asked to give a speech on ethics and public service at their request—that all politicians are tarred with that brush, any more than all public servants are the result of a patronage system. In fairness, Mr Bradley, I do not know that we have decided, as a society, in the constitutional makeup of this country, in terms of its politics, to move to an American system. We do not apply the checks and balances of that American system, where you have everybody out with the change of a president and government. I am not saying that if you want to change it, do not change it, but over the years we have had a commitment to public service where the most senior appointments only were made directly by the government in power. Those immediately below the deputy and other orders in council were not.

1130

There has been continuous erosion of that in the appointment system. The week I wrote that speech, there were a number of stories in the Globe and Mail about charges against local officials. I am afraid I cannot remember because it was so long ago. If I saw my speech, I might be able to remember it, but it was a week in which there were a number of charges in different areas of Ontario in local politics, of people who had been charged with some unethical conduct. So if you are saying that anyone—in particular a public servant, or anyone at all—should not draw attention to the need to ensure that our public life is as strong and clean as it can be, I am not sure who is to make those criticisms. Who do we appoint to do that?

I am not altogether clear about the question. I have spent my life working closely with politicians. If I had wanted to choose something different, if I did not have the highest regard for the vast majority of them, I would have chosen another avenue to earn my living in. I do not see any inconsistency whatever in saying that there may be bad apples in the barrel and that we should, being in public life, be severe about those so that the respect the others have due to them is there.

Mr Bradley: The theme was not simply one that you touched on in Halifax at the Federation of Canadian Municipalities conference. You also made a speech on ethics and public service at the international conference on public personnel administration in Ottawa on October 6, 1987. You have written, "Do not spoil the public service." You have written something to do with yes—ministers, something of that nature. So it is a topic, certainly, that you have had a great interest in. That is why I wondered how, in that context, TVO should be tarnished with the support of elected politicians who practice patronage.

My next question, sir, is, in your capacity as chairman and chief executive officer of the Ontario Educational Communications Authority, how much money do you make? What is your salary?

Mr Ostry: I believe my salary is in the deputy minister's range. I am not sure what the exact numbers are.

Mrs Marland: You do not know what you earn?

Mr Ostry: I know approximately what I earn. I know in a range.

Mr Bradley: The approximate figure; could you share that with the committee?

Mr Ostry: Are there any problems about sharing any of these things? I do not know. I earn about \$110,000.

Mr Bradley: I see. What additional benefits and perks does the chairman and chief executive officer of the Ontario Educational Communications Authority have? Would these be similar to those of a deputy minister, for instance?

Mr Ostry: When I was asked to move to this position by your former leader, I indicated that—

Mr Perruzza: Was his name Peterson?

Mr Ostry: I did not hear that. My recollection at the time—and I wanted to assure myself that he was deeply interested in the future of the agency. In speaking with his deputy, my recollection was that in transferring there I would not lose any of the benefits I enjoyed in my position at the other end. That was agreed to.

Mr Bradley: In terms of the amount of money that TVOntario and the board can spend on entertainment, what controls are there on the expenditures for entertainment purposes and hospitality purposes? I am not referring now to entertainment in the form of what you produce on television, but entertaining people. What kind of limitations are there on you and the board in that regard?

Mr Ostry: I think the internal guidelines on that are the same as apply to the rest of the government, are they not?

Mr Bradley: What capital improvements have been made—and Mrs Marland touched on some of these in terms

of the building itself—to your office since you became the chair?

Mr Ostry: Over what period?

Mr Bradley: Since you became the chair.

Mr Ostry: Since 1985?

Mr Bradley: Yes, sir.

Mr Ostry: I think there was one period when the office was built and renovations took place, but the exact amount—we have the figures here if you want to know the costs that have been spent on the fifth floor. Mrs Marland referred to what she called "executive offices," which do not really exist in that sense. There is a committee centre meeting and other rooms. You have eaten in one of them when you were down, I believe.

Mrs Marland: When I was helping raise money for this publicly funded television station, yes.

Mr Ostry: Right, which we appreciated greatly.

Mrs Marland: Just if you drop in that I have eaten there, I would like everyone to know when I ate there, Mr Ostry.

Mr Bradley: The Chairman has said I have a final question. It deals with the number of employees that you are responsible for. How can you justify 555 employees, according to the 1990-91 figures for TVO, when the Ministry of Energy has a total of 205 employees; the Ministry of Citizenship, 288; the Ministry of Financial Institutions, 404; Colleges and Universities, 336; the Ministry of Industry, Trade and Technology, 481; Intergovernmental Affairs, 64; Management Board, 388; Municipal Affairs, 421; Northern Development, 515; Skills Development, 536; Treasury and Economics, 382; Women's Issues, 58. Would it not strike an objective observer as somewhat interesting that TVO would have 555 employees when the various ministries I have shared with members of this committee have fewer employees than TVO?

Mr Ostry: Not at all, Mr Bradley. I do not think anyone is suggesting that TVO is a government department, which has responsibilities that are entirely different to running two television networks. I would turn it around, actually. If instead of drawing up a list of government ministries, you drew up a list of television corporations with responsibilities for two networks in two languages and a reach for the total population of this province, and competing with the private sector—I do not do what these ministries do in terms of competition in the private sector. They may do things. I am not looking to be contentious; I just think it is apples and oranges. Television business is not a government ministry business. We had 450, as I recall, when I took over, and we were not running two networks.

1140

Mrs Marland: Mr Ostry, we all have a great number of questions, and I wonder if I could respectfully ask you to limit your answers as far as you can, because my last question had a five-minute answer. I say that respectfully.

It is my understanding that you have a chauffeur. Is that correct?

Mr Ostry: I have a car and driver.

Mrs Marland: Is it also true, even if you carry on with the deputy minister status, that deputy ministers do not have chauffeurs? Cabinet ministers have chauffeurs. How is it that you are entitled to have a chauffeur?

Mr Ostry: As I believe I said in answer to an earlier question, the driver and the car were transferred to TVO from the position I held as the Deputy Minister of Culture and Communications.

Mrs Marland: So the question still stands. It is my understanding that chauffeurs are for cabinet ministers, not deputy ministers, so—

Mr Ostry: I am not a deputy minister. I am the chairman of—

Mrs Marland: But you have a chauffeur?

Mr Ostry: Yes. The remuneration package, if you like, is one which the board of TVOntario is fully familiar with and the finance committee fully supports.

Mrs Marland: Last year, I understand that your chauffeur earned \$52,937, in the same period that his base salary was in fact \$26,500. Can you tell this committee how your chauffeur could possibly have earned twice his base salary in overtime?

Mr Ostry: I expect he has earned it by putting in the time which he has clocked with the supervisors and for which he is paid the union rate.

Mrs Marland: His total earnings in June of last year were \$7,000, and in October of last year were \$7,700. Mr Ostry, I am sure you are aware, under the labour laws of Ontario, that the Employment Standards Act controls the number of hours an individual employee can work. How is it possible that you can be in compliance with the Employment Standards Act and have your chauffeur earn twice his salary in overtime?

Mr Ostry: I hope I am in compliance with the act. Nobody has told me I am not. He is a member of the union, which very jealously guards these issues, so I am not aware that we have broken any laws.

Mrs Marland: Is he out driving around while you are watching the nine televisions? How could he put that number of hours in? It is a very earnest, serious question.

Mr Ostry: The union agreement makes provision for double time on weekends. The union agreement also makes provision for meal penalties and for standby time, so that the amount of remuneration he receives in overtime is not directly related to the number of overtime hours he works.

Mrs Marland: Would you be willing to file with this committee the details of your chauffeur's earnings in the last two years, what hours he has worked, and precisely where those hours were?

It is also my understanding that you sit as a member of the board for the Stratford Festival. Is that correct?

Mr Ostry: No, it is not.

Mrs Marland: Do you have an association with the Stratford Festival?

Mr Ostry: No, not at all.

Mrs Marland: Does your chauffeur drive you to the Stratford Festival?

Mr Ostry: If he does, it is on my time.

Mrs Marland: Okay. Another question I have for you: Would you be willing to file the information of your chauffeur's overtime and his regular time hours for the last two years?

Mr Mills: The only possible concern would be if the driver or the union objects to an invasion of privacy on that grounds. The Authority, I think, would have no objection.

Mrs Marland: I understand that. Could we also know whether it was cleared with the Ministry of Labour under the Employment Standards Act?

Mr Mills: I do not think there is a provision for clearance, but I think what you are asking is, have we offended the provisions of that act?

Mrs Marland: Yes, that is what I am asking.

Mr Mills: We can certainly endeavour to find that out.

Mrs Marland: It has also been suggested, Mr Ostry, that TVO bought a table for a dinner in Ottawa honouring your wife Sylvia and some other people. Is there any truth to that allegation that 10 people attended at a table at this dinner in Ottawa?

Mr Ostry: The dinner was in Toronto. It was to honour four people: apart from my wife, I believe John Munro from BC, Claude Castonguay from Quebec and one other distinguished person. TVOntario has from the beginning of the establishment of that forum been a supporter of it and bought a table at the dinner, which is very well attended. I believe Mr Harris was there that night.

Mrs Marland: TVO did not pay for Mr Harris's ticket for that dinner.

Mr Ostry: They did not pay for mine either.

Mrs Marland: That is the question. Are you saying that TVO bought a table at that dinner?

Mr Ostry: Yes.

Mrs Marland: At what cost?

Mr Ostry: Fifteen hundred dollars.

Mrs Marland: Is there a receipt for that?

Mr Bowers: I am sure there is a receipt for it, yes.

Mrs Marland: I would like to have that receipt tabled for the committee, please.

It has also been suggested that prior to the Provincial Auditor's investigation of TVOntario there was shredding of documents at TVOntario's office. I am asking if that is so. It is an allegation.

Mr Ostry: If the suggestion is that documents were being shredded because auditors were moving in, the answer is no.

Mrs Marland: TVO does have a shredder.

Mr Ostry: TVO may own more than one shredder. There may be shredders in many offices. There is a shredder in my office.

Mrs Marland: Could I ask you, Mr Ostry, about this report? This is a request for space accommodation, phase 1 proposal call. It was prepared in April of this year by the IBI Group. The suggestion that one must take from this proposal call is that TVOntario was looking to either relocate

or take additional space. In the meantime they have spent over \$2 million on their present location, which is leased, and we understand the lease expires in another two years. We also understand that the IBI Group has now been dropped as consultants in this location-for-space search.

Can you explain why you, as CEO and chairman of the board, would have allowed TVO to spend over \$2 million on a building which it leases when it is at the same time currently out looking for additional or new space?

Mr Ostry: Yes, certainly. TVO's lease expires, I believe, in the fall of 1994, so it is three years. We have an option in our existing contract to lease for another five if we wish. So it is not at all certain that we will move. We have occupied those premises since, I think, 1972 and, given some of the answers I have given to Mr Ward and others about some of the difficulties we have living in a building that is not designed for our purposes, the board agreed to move to the process you have described by indicating the document you have.

We do not and the board does not see any conflict between the question of the lease ending and trying to discover what the market can produce in the way of other premises should we wish to move.

1150

Mrs Marland: I do not see any conflict either. The question is, why would you spend \$2 million renovating where you are when you are out looking for new space?

Mr Ostry: We spend every year, as anybody occupying many tens of thousands of square feet does, a considerable amount of money for both maintenance and renovation in that building. We spent the \$2 million over two or three fiscal years and the main push for the need to spend that came from the desire of the board to see a wider range of programming and a greater capacity to respond to immediate needs by creating the boxes. The ripple effect of that over two fiscal years led to the expenditure you are speaking about. Mr Bowers can give you the details of that.

Mr Hayes: I was going to get into that very same question in asking you why you spent the \$2 million over two years when you plan on moving out in a short period of time. Just how much square footage, for example, a rough figure, do you feel you need more than you have?

Mr Ostry: I think we have a figure that was given to the consultants who have been working with us for a number of months. I do not have the figure in my mind. It is 240,000 or 250,000 square feet.

Mr Bowers: It is in the order of 240,000 square feet. I do not have those numbers in front of me, but that was a projection of our needs as of 1994. We currently occupy about 225,000 square feet.

Mr Hayes: These may be just accusations again, but there has been some talk about the natives being able to produce native films about natives. Has this changed now or do they have that access to be able to do this? I know you talked about up in Wawatay where you have some co-operation there and you are working jointly, but I understand they have really had problems getting films by natives about natives in TVOntario programming.

Mr Ostry: Perhaps my colleague Mrs Anne Rochon-Burnett would speak to that. She has a special interest in native programming.

Mrs Rochon-Burnett: I have been on the board for four years and there has been a great expansion. There is a great visibility of native people, especially these last three years, on TVOntario, as duly following our TVO board of directors' adoption of the native policy. We go way back too, because in 1988-89 a precedent happened at TVO: a program called Full Circle Native Way was completely developed and produced totally with native people.

I do not understand why you are making this statement exactly, because even in the native community they are very happy to see what is happening at TVO presently.

Mr Hayes: Excuse me, I did not make the statement. I am saying that I have heard these things and I want you to clarify it and tell me if this is so or if it is not.

Mrs Rochon-Burnett: No. There are really extremely great happenings and we are working further, of course, because the policy is very young. We requested some moneys in our last budget which we did not receive, but as soon as we are able to put a native co-ordinator at TVO we will have more facilities to produce for even more needs.

Mr Hayes: Mr Ostry, do you have in-house counsel as part of the employees, legal people within—

Mr Ostry: Yes, we do, chiefly because there is so much contract work. They are specialized, really, in the kind of programming contracts we do with various people, all the issue of rights and that sort of thing.

Mr Hayes: You may correct me if I am wrong. This is another thing we are hearing: that you have in-house people and yet you hire external legal counsel, such as Mr Mills. Could you explain why, if you already have in-house counsel, you would hire counsel from outside TVOntario?

Mr Ostry: I could try to explain it, but historically that is the way the legal advice has evolved. There has been a counsel to the board, who has been Mr Mills from the day TVO was invented—he helped draft the legislation—and there is the day-to-day business of TVO, which requires an examination of a whole range of needs, particularly from the programming departments, with respect to contracts that are drawn up. Most of the work done by the two lawyers who are on staff is contract work, and the work that Mr Mills does is of a qualitatively different character. I do not know if he wants to comment on that.

Mr Mills: I am not sure whether it is helpful or not, but originally, when the Authority was a very small and young organization and because I was retained originally to help establish it, my firm did all of the legal work for TVOntario. As the organization grew, there came a time when it was appropriate to have house counsel, so one lawyer was hired and his chief responsibility was the drafting of contracts and so on. The Authority's board over the years has discussed the issue and felt that if it wanted to have a senior corporate counsel on staff, the cost would exceed the cost of a part-time senior corporate counsel, which they have in me and other members of my firm.

At the present time, however, there are at least three external law firms that do different kinds of work for TVOntario. There is one firm that does labour work, because the Authority is very much involved in specialized labour matters. There is another firm that is involved with CRTC matters, and I am involved primarily with the board's responsibilities.

The Chair: Mr Perruzza, did you want to take a few minutes?

Mr Perruzza: Sure. It is a rough day. I would hate to be in your chair today. I have a couple of quick questions. I wanted to deal with a table here for staffing. Mr Bradley touched on it briefly. I just wanted to get a comment from you and then I want to go back to something that Margaret has touched on as well.

Your entire staffing number is 555, but it strikes me that when I work out some of these ratios, your senior management ratio with your middle management and administrative staff and technical staff is one to five. Do you see that—

Mr Ostry: Which is one to five, which is the one?

Mr Perruzza: Your senior management ratio to your middle management ratio is one to five. The way I work it out is you have one senior manager per five middle managers, and that figure has stayed relatively constant from 1986 to 1991. I would like to get a comment from you on that. Is that, in your opinion, an appropriate ratio? Is that something that is needed in the TV business?

Mr Ostry: I am just looking at these notes on our ratios and it seems to me that they have been consistent for the whole period I have been there and before.

Mr Perruzza: In no way, Mr Ostry, am I directing the question in a way that—

Mr Ostry: No, the reason I say it has been the same is that I assume from that that historically that ratio is what has produced an effective management structure. So I assume that in the business that is—

1200

Mr Perruzza: In your time at TVOntario, has the administrative structure ever been reviewed, specifically the top end of the structure?

Mr Ostry: The most senior end has been reviewed, because I have reviewed it, but other aspects of it within each sector have also been reviewed and there have been revisions.

Mr Perruzza: So in reviewing that, that to you is an appropriate number?

Mr Ostry: Yes.

Mr Perruzza: With the nine TV monitors—and I do not understand this and I want to understand this a little bit better. You are in your office five days a week?

Mr Ostry: At least.

Mr Perruzza: On average, how many hours per day?

Mr Ostry: I arrive about 10 past 8 and I leave, depending on the problems, around 6.

Mr Perruzza: During that time, about nine hours a day excluding lunch, how much TV would you say you watch per day?

Mr Ostry: The machines are on all the time. Obviously, the sound is off when somebody is in my office and I am not always in the office.

Mr Perruzza: I will ask the question again. How many hours on average would you spend in your office? Do you leave for three hours a day, during your lunch and then meetings with—

Mr Ostry: Meetings absorb the time. Not all of them are in my office.

Mr Perruzza: So you would be in the office about six hours a day on average?

Mr Ostry: Five to six.

Mr Perruzza: Of that time, how much time do you spend watching TV?

Mr Ostry: I do not watch it like people watch TV. I see the screens. I can see what is going on when I am reading, or when the phone is ringing, or when I walk in and out. I will just give you an example. This morning I was reading some of these papers, and although this has probably existed for some time, and it has to do with your question about concentration to a degree and what you get, I noticed for the first time that on la chaîne we have a slide which says when we are coming on the air. Radio-Canada is not on the air either but, rather than a slide, they have a continuous turn of what is coming on at different times in the course of the day. Mr Bensimon is here. He will hear from me tomorrow that I think that, attractive as the slide is, the information on Radio-Canada is much more valuable to a viewer in the course of the day, who may be using his machine to move across the screen. That ought to attract more viewers to la chaîne.

Mrs Marland: And today is the first day you noticed that?

Mr Ostry: I noticed that particular one on la chaîne.

The Chair: Sorry, Mr Perruzza and Mr Ostry, we will have to move on. Mr Grandmaitre.

Mr Grandmaitre: Mr Ostry, you have always referred to TVO as an instrument for education, not to be confused with commercial TV, and rightly so. Why is it so important for TVO to compete against the private sector? Is there a possibility that competition will not take over TVO, but will diminish TVO's interest in Ontario? Recently you signed an agreement with a Japanese public broadcaster, NHK if I am not mistaken, in order to compete with the private sector.

Mr Ostry: There is some misunderstanding. We do not compete with the private sector in terms of cash. We are competing with all the noise out there, the 30 channels that are going to go to 100 or 200. Everybody is doing that.

The purpose of the partnerships, like the one with NHK, is again not a competition with the private sector. It is because the costs of making programs have risen so dramatically over the years that very few, if any, broadcasters can themselves produce—I am sorry Mr Bradley has walked out—programs that cost the kinds of money that environmental programs, for example, cost. You need partners to do that, and very

often more than one. The kinds of series we would acquire in the market are likely to be in competition with PBS or the BBC or the CBC. They are not likely to be with a commercial network because of the nature of the programs.

Mr Grandmaître: So where is the real competition to TVO?

Mr Ostry: We do not think we have competition in terms of the quality of our programs. The competition, as I say, is for people's attention.

Mr Grandmaître: You think TVOntario or TVO has a long life in Ontario?

Mr Ostry: Yes, I do.

Mr Grandmaître: Especially from the type of questions that have been fired at you this morning, I think people are really questioning TVO.

Mr Ostry: It has been here for 20 years. It has built a large, loyal audience. It is supported by the teachers of this province, unlike any other system. It has produced programs that are the pride of the industry. People with children in this province know, as we know from our surveys, that they trust the children's programs produced by TVOntario more than they trust any others, whether it is pre-school or younger children, say grades 1, 2 or 3.

I think at a time—and why I made the reference towards the end of my opening remarks—when legislators all over the world are talking about the difficulties in restructuring education so that societies can eliminate illiteracy, drop-outs, improve their competitiveness, to do any of those things in a period of time that is meaningful in terms of the competition, I do not know a tool at the disposal of governments that would be more effective than the use of video and broadcasting.

Indeed, in places that are more competitive than we are, in the United States, instead of having endless task forces and royal commissions and investigations into what should be done about finding the solution to skills training, retraining on the job and the rest, the American private sector, huge corporations like Ted Turner's, Whittle and Hughes Aircraft, which is owned by General Motors, have gone into the beginnings of educational broadcasting, and all of them are seeking public assistance, that is, from Washington.

They are at the very beginnings, but the only point I am trying to make is that there will be at some point an overflow into this country because of the nature of satellites and the cable systems. If we do not build on what we have as the best now, which is better than they have at the moment, to get into these areas that some of you talked about, in skills, we are going to be faced with programming that does not fit our curriculum, that does not answer the needs of the Ford Motor Co of Canada employees or those in Sudbury or Kapuskasing, but will be carried anyway by the cable systems. So I think the need and opportunity for video production for education and for broadcasting has never been greater and the opportunity has never been greater.

1210

Mr McGuinty: Do I understand correctly that earlier you indicated you did not intend to seek reappointment as chair and CEO?

Mr Ostry: No. I have been there long enough. I have been there too long now, judging by the questions.

Mr McGuinty: You feel you have exhausted the experience?

Mr Ostry: No. I have been there six years. I think the place in terms of the quality and quantity of production and its structure and management is a lot better than it was when I arrived. I think the challenges I have just described to your colleague, Mr Grandmaître, are such that a younger person should come in and move it forward, to deal with some of the things we have talked about today: new channels for skills, contributing to what I would hope one day to see, a Canadian learning channel, and to expand the base, which is the most powerful base in this country.

Unlike Access Network in Alberta, which had to go to the CRTC to get into the commercial business, was refused and immediately fired 15% of its staff in the last two months; or Knowledge Network in British Columbia, which does not have the money; or Radio-Quebec, which has had to pull back all its regional stations and cut its budgets; we have managed to maintain and expand the programs we do at the same time that we support its quality.

Mr McGuinty: One of the things that has become apparent to me here today, as I am sure it has to you, is that a number of the questions have focused on you personally, this matter of the TVs in your office and the chauffeur. What should that tell me? We are talking about a sophisticated organization in excess of 500 employees. I am not sure exactly how much money you spend on an annual basis, but why is it we are spending that much time? Can you account for that?

Mr Ostry: Actually, I think this sort of thing goes on everywhere and all the time in North America now. If you pick up the current Time magazine, its main article is devoted to just that. I may have had it because I was reading it earlier in the office this morning. They are talking about themselves, but we have been there first. It is a nation of finger-pointers. The problem is that Canadians have great difficulty living with anything successful. Leave me out of it: The institution is an incredible, remarkable success. It is hard to get at the institution; it is easier to get at me and my package and the car and the driver and the television sets and all the buzzwords that evoke ill feeling and jealousies at a time of recession when a lot of people are suffering, and all those things. I think I understand it.

Mrs Marland: I am not jealous, I am just defending the public purse which supports you.

The Chair: Mrs Marland has kindly given her next block of time to me, and I just want to ask a couple of questions about my own biases in this respect. I tend to be more of a fan—I will publicly admit it—of PBS than TVO. From my perspective, anyway, in terms of competition for people's attention, it seems to be able to grab my attention and the attention of my family much more readily than TVO can. Of course, one of my interests is in the political side of things and I find PBS offering a considerable number of politically oriented programs.

Mr Ostry: That is true.

The Chair: One of the things that interests me, especially in New York state—and I found this lacking in constituents in my own riding, coming to the Ontario Legislature and not having any basic understanding of the operations of the Ontario Legislature or its committees. Looking at the PBS channel in Watertown and viewing *Inside Albany*, which is a weekly show on the happenings within the state Legislature in the state of New York, it seems to me that is an appropriate role that TVO should be playing and has not been playing.

In fact, I believe, and I stand to be corrected, the only thing you do in reference to the Ontario Legislature is rebroadcast question period at midnight, which a lot of people now complain about. They cannot stay up to watch it at that late point in the evening. I would certainly like to hear your views in respect to why you do not see that as a responsibility in terms of your education mandate, to make sure that the citizens of this province are more well informed about the folks making decisions on their behalf.

Mr Ostry: But I do not disagree with you at all, Mr Chairman. I do not. I think we should.

The Chair: You have been there six years. I am not throwing this again at you as chairperson, but it is certainly a responsibility of the whole board.

Mr Ostry: I think I can try to answer that. I do not know whether it will satisfy you. If you want to go back six years, when I came in six years ago, with the minister and the Premier talking about crises and huge problems, the fact of the matter is the place had not been doing any new programming for ages. It had been receiving a tiny increase, a base grant, that did not cover anything at all, and it was projecting a deficit of \$7 million on a base income of around \$30 million or something. So the resources were not there for anything.

When we began covering the Legislature in question period and I came to government ministers, I did not like the idea of covering question period without contextualizing what people would see during the day, or even if it was rebroadcast at night for those who would stay up. It has just taken longer than it should to get into some of these kinds of programs you are talking about. We have done possibly more on *la chaîne*, but also we did a series on provincial and municipal governments on the English side as well, as a series, not as what you are talking about, which is a weekly program on that. I do not disagree with you. Maybe my successor will move more speedily on that than I have.

The Chair: Talking about *la chaîne*, what were the origins of that network? Were they basically political in nature? Did this originate within the board of TVO or was it within the inner ranks of government? Just how did it develop?

Mr Ostry: I can tell you what I know. I was not in the cabinet room when the decisions were taken in Ottawa and Toronto. The extension of the French service from the 17% that it had begun with from the start to a full-blown network was at the time I was the deputy of Culture and Communications. It was the first priority of the board at the time. There are no board members who were there at the time, but Mr Mills might remember. But I remember the chairman at the time telling of that; it stuck in my mind.

When Mr Marcel Masse was appointed the minister at Department of Communications and came to pay his first visit

to the provincial minister, who I believe was Susan Fish, he wanted to have a press conference. Nobody had discussed what the subject matter was going to be, and the people from the press here would understand that, being a public servant, I am not big on ministers going into press conferences. I have nothing to say to these people, and we had a meeting on what they were going to say. There were four of us in the room, the two ministers and his deputy and myself, and it was agreed that one thing that they had agreed on was that there should be an expansion of the service of TVO in French and that they would take to their respective cabinets a request to do that on an experimental basis. That was the beginning of the process.

They did that. It was agreed at both jurisdictions after a few weeks. Announcements were made based on some numbers that TVO produced at the time, which were in the circumstances, as it turned out, really not adequate to run a full network. To my knowledge, that is how it occurred. You can decide whether that was political or cultural.

The Chair: What percentage of your budget goes to *la chaîne*?

Mr Ostry: We do not divide the budget that way because it is an integrated service and there are common services that are shared, but I would say about a third, about 30%, 35%.

The Chair: Are you happy with that?

Mr Ostry: What I am not happy with was the amount of money going to both networks. I think the amount should be increased for both.

The Chair: In some respects, that is a political answer. I guess I am talking about the audience you are trying to appeal to, with the French-language network consuming one third of your budget. I am wondering if you as the chairman are happy with that. You obviously had this decision delivered to you in respect to the establishment of this network, and now you are suggesting that one third of your budget is going towards this operation. It seems a little lopsided from my perspective.

Mr Ostry: It is steep in a sense, but the feds pulled out of the experiment and in a sense that increased the percentage that had to be found to accommodate it. Again, if you like, this is political, but it seems to me that we in this country, and Ontario has always been a strong supporter of the view that public services are for everybody; just as we might spend—I do not know; we have not measured it proportionately in terms of time and resources—on natives or on people in wheelchairs or hard of hearing, we agree that in terms of public service we should try to deliver the service fairly to as many people as we can, regardless of their background or incomes.

The Chair: I guess I would argue there is a responsibility on your shoulders as well to ensure that in a time of scarcity of public dollars those services are delivered.

Mr Ostry: That is a difficult issue, but the board has discussed it.

The Chair: Yes. Thank you very much. We are going to break for lunch right now and reconvene at 2 o'clock.

The committee recessed at 1223.

AFTERNOON SITTING

The committee resumed at 1402.

The Chair: I am going to call the meeting to order. Going in the caucus rotation, the next questioners will be from the government caucus.

Mr Frankford: You have a maximum of 13 members on the board?

Mr Ostry: Yes.

Mr Frankford: But right now you only have eight?

Mr Ostry: That is correct.

Mr Frankford: Looking at the background of the members, you have, I think, at least two lawyers.

Mr Ostry: Yes.

Mr Frankford: Can you give any other indication of the general background of the members?

Mr Ostry: One of the lawyers is sitting on my right, but I think it is important to say that he is probably one of the most important entertainment lawyers in North America, and therefore the expertise he brings to the board that relates to the kinds of contracts and partnerships and rights issues and the like is very important. The other lawyer, Norm Forest from Sudbury, for years was chairman of the board of the university there and active in his community and has a higher education side, apart from the fact that professionally he is also a lawyer. The vice-chairman, Erica Cherney from Peterborough, has also had a long experience in relationship with Trent University, apart from being associated with small business. Suzanne Rochon-Burnett is in the broadcasting business in St Catharines with a radio station there. Mr Bradley would know; maybe others.

We have lost a first-rate schoolteacher-principal from the Toronto region who needs to be replaced. We have lost a representative from Kapuskasing, from the separate school board, who again brought a very important dimension to the discussions around the table. We have lost a member from Thunder Bay who was very active in her community.

It is a small board. We need not only regional and ethnic and expertise representatives; we need people who can also help us with what I was talking about earlier, the new or the changed opportunities that present themselves, in order to encourage the government and the Legislature to support new activities in the field of education, particularly as they relate to skills training, to distance education and to a number of the areas in education where politicians have been very vociferous in calling for changes.

Mr Frankford: How long have you had those vacancies?

Mr Ostry: One vacancy is nearly 12 months old. I raised this with the new government shortly after it formed the government. It has not been filled. The other four completed their terms at the end of June.

Mr Frankford: I see from the list of people's appointments here that it seems everyone is in his or her second term.

Mr Ostry: Yes, everyone left is in his or her second term.

Mr Frankford: That suggests you really should get some new people to learn what it is all about.

Mr Ostry: I hope so. That is not in my authority. These are government order-in-council appointments. There has been a new system instituted. I cannot comment on how it is working. We are looking forward to the appointments, I can tell you that. It is hard on the others.

Mrs MacKinnon: I was wondering if you could describe to me a bit, or to the rest of us, employee morale at TVOntario, please.

Mr Ostry: I would say that at the moment it cannot be very high, because of the atmosphere that has been created by the kinds of discussions we had earlier this morning. Morale, to the degree that I can recall from my knowledge of the people who run human resources and from my own personal experience, has been very high for the past two or three years. When I came in, the difficulties of deficits I described earlier made it difficult to do programs and to add new things. Television is an industry where the programming is central to it, where these people have to be actively doing new things for the audiences or it begins to atrophy. When there was a long period of not very much activity in that respect, morale was low, but it picked up, and by 1987 and 1988 it was very high.

Mrs MacKinnon: How far have you managed to advance in regard to pay equity?

Mr Ostry: Not as far as we would like, but I would like somebody to speak to that. We have taken a number of steps on our own before and now, with the new legislation. I think to get the details of it we need somebody to explain exactly.

Mr Bowers: We have posted a pay equity system for our non-union staff. That happened back in January of last year. We are still negotiating a pay equity system with our union staff, with NABET. I think we made a breakthrough in the recent past when we agreed on a questionnaire and a classification to use, so I think we are going to be able to proceed fairly quickly. But we had a long, difficult negotiation with our union to agree on a questionnaire and a classification system. We have only made some progress just recently.

1410

Mr B. Ward: Is most of the production in Toronto or is it diversified throughout Ontario?

Mr Ostry: There is production we do in-house, which is clearly done in Toronto. There is production which we share with independent producers, some of whom are in Toronto but also in outlying areas. There is production we share with other national or international organizations. I do not know if Don wants to add anything, if you are looking for percentages or that sort of thing.

Mr B. Ward: Perhaps you could just enlighten the committee on how much would be done in Toronto and how much would be—

Mr Duprey: By definition, most of the creative resources are in the Toronto area and some in the Ottawa area, so we take advantage, whether it is in the independent sector or in the freelance sector, of the talent where it is available. As Mr Ostry has said, we produce in and around the province with our own crews to reflect as much of the province as possible on our airwaves. We increasingly work with the independent production sector. Over 25% of our resources go to independent production companies, whether as licences, commissions or co-production arrangements. These companies are located in large measure here, because that is where the concentration is, but we favour companies wherever they may be located. We are working with companies in Thunder Bay, Sudbury, Ottawa and various parts of the province.

Mr B. Ward: Provided they have the facilities to complete the necessary work.

Mr Duprey: That is always the difficulty, their access to technical resources.

Mr B. Ward: Is there any more time left?

The Chair: You have a minute.

Mr Ostry: It may be a little different in the French service, if you are interested in that. Otherwise you can move to your question.

Mr B. Ward: Looking at the programming, since your term of office, since you took over, on a global budget—you have a general operating budget—has the percentage spent on programming increased, decreased or remained about the same?

Mr Ostry: It has increased.

Mr Bowers: Perhaps it would be useful to add something supplementary. Mr Galloway and myself were commissioned by the board during the previous administration to bring to the Premier of the time an initiative in science, which resulted in something like a \$10-million additional input that went directly into original programming.

At the time I joined the board in 1986 and Mr Ostry came on, there was a clear decline in the amount of original programming TVO had to do. The government of the day was invited to decide whether it in effect wanted to have two or three people sitting in Europe buying the best programming in the world and have nothing that spoke to the people of Ontario, or in the alternative whether they wanted to make a commitment to an educational broadcaster that not only acquired the best programming available in the marketplace, but also created original programming both for the people of Ontario and for export. It had been the initiative of the government at the time to go to the latter. As a result, particularly in the science area, there has been a great increase in new and original programming, both on its own and in co-operation, particularly with the Japanese but with others as well.

Mr B. Ward: What is the Canadian content of the new programming, the percentage?

Mr Ostry: It will be 70% this year.

Mr B. Ward: About 70%, ballpark figure?

Mr Ostry: In the English. It is slightly less in the—

Mr B. Ward: French.

Mr Ostry: Yes, 63%.

Mr McGuinty: With regard to this issue of the same person holding the offices of chief executive officer and chairman, I think you indicated earlier that you see that as something that is in the best interests of TVO.

Mr Ostry: I do.

Mr McGuinty: Can you elaborate on that a bit? I think some people might level the criticism that there is a potential for conflict there of the policy and operations.

Mr Ostry: I think there is greater potential for conflict when you separate them, because you create two paths on subjects that are intimately connected: policy and operations. I do not think it is an accident that in Canada 80% of the corporations have those positions joined. In the United States it is over 50%. Again, I am really only familiar, on the public side of broadcasting, with the CBC experience, the BBC and NHK. The general consensus is that it works better joined.

Mr McGuinty: Moving on to another matter, then—

Mr Ostry: Could I just add one thing? I am thinking of Mrs Marland's references to costs and concern for Ontario taxpayers. If you split the positions you will add to the cost. I do not know how much you will add. It depends on what packages you or the board decide to honour with respect to the employees, but it will go up; it will not go down.

Mrs Marland: Another car and chauffeur, you mean.

Mr Ostry: Probably. That certainly would happen in the CBC.

Mr McGuinty: If you had to make a rough estimate, how much of your time do you think you could categorize as being spent in your capacity as CEO and how much as chair?

Mr Ostry: You see, that is why I say it is difficult to separate. In fact, I do not chair our board meetings; they are chaired in our system by the vice-chair so that there can be more questions about the operations if that is a problem, rather than trying to deal with policy. But boards tend to deal with policy issues, not with operational issues.

It would be very difficult for me to say how much time I devote in one day to being a CEO or a chairman. When the jobs are combined, your mental attitude to it is to deal with the problems. Some of those problems relate to how you deliver the goals that relate to the policies. So the "how," if you like, is a CEO position but the policies themselves are the chair's. They are just married. They are inseparable in our system. They are Siamese twins.

Mr McGuinty: The former minister of Culture and Communications, Rosario Marchese, had contemplated splitting the positions. Had he consulted you in that connection?

Mr Ostry: No. I knew the minister had the proposal before him. I did not know he had actually accepted it, though I knew he was considering it. But he never discussed it with me. I did send him a document, the only document I know that actually deals with the subject, which was written a year or so ago by the then president of the CBC, because the subject came up in Ottawa about the split.

It is the only analysis I know actually based on information collected from the corporate world; an interesting paper.

Mr McGuinty: For 1991-92, your submission requested a base grant of \$68.3 million but you ended up getting only \$62 million, as I understand it. What effect will that have on TVO generally, and specifically will we be seeing more reruns, repeats of old shows?

Mr Ostry: When the base grant fails to meet inflation and you have added to it what I will call "taxes" that relate, some to the issues of equity—I do not know if we were able to get any extra money for equity. There are two or three areas on top of that which were not included in our original submission.

That loss of a few million dollars will affect the whole institution. When you budget you take the \$63 million and divide it and try and sort out in the process, given your priorities and goals, how you can diminish the impact of the shortfall on each one of the items.

1420

Mr McGuinty: Can you tell me what percentage of programming hours are produced by TVO and what percentage are acquired from other producers?

Mr Ostry: It varies between the networks.

Mr Duprey: What percentage is produced and what percentage is acquired?

Mr McGuinty: Yes.

Mr Duprey: For the first time, this year it is about 50-50 in terms of what we term production, commission, co-production, which were about 520 hours versus about 535 hours of acquisitions. Historically it has been much higher and I think as Mr Levine alluded, there has been a serious attempt to enhance what we make and what we originate. For the first time there is a better balance. It is half and half.

Mr Ostry: On the French side, it is different.

Mr Bensimon: On the French side, production is higher, about half of it co-produced, commissioned or dealt with on a pre-buying basis.

Mr Ostry: Does that language make sense? I mean pre-buys and the rest.

Mr McGuinty: Yes. If you have to make a choice between funding acquisitions and productions, which way do you go?

Mr Ostry: I wish the choice were that simple. We literally cannot buy the programming we want to develop to respond to the Ministry of Education's Ontario schools curriculum requirements. With the advice of teachers across the province in various committees, we design the programs for those.

We can do programs that are not very costly: the kind of program the chairman suggested earlier that is done in New York; the programs we do on the arts side on books, or WorkWeek where it is a matter of having a few people in the studio and the chair there to deal with a subject matter, as in public affairs.

Where the costs are enormous is in programs and series that are either drama, music, the plastic arts, dance or

theatre. There the costs are so enormous—we are talking millions of dollars for a series—that you must go into the market to see whether there are programs or series in the world market that would legitimately fit into an educational or lifelong learning schedule.

Mrs Marland: I just want to place something on the record. This morning Mr Ostry referred to the fact that I had eaten at TVO, and I wanted to confirm for those people who might be curious that there were perhaps other members of this committee who joined me with other MPPs last fall for the campaign to raise funds for TVO, at which time we were fed in one of the rooms with food which I understand was donated.

Mr Ostry: I would like to ask you, did you recently, or did TVO to your knowledge recently spend money at the Westbury Hotel for a meeting of senior executives?

Mr Ostry: I have no idea.

Mrs Marland: Do you have meetings in hotels in Toronto?

Mr Ostry: My impression is we do not.

Mrs Rochon-Burnett: We had an advisory council meeting at a hotel. We stayed at the Westbury.

Mrs Marland: I cannot hear you.

Mr Ostry: She was saying that there was an advisory council meeting—that is, of the volunteers—at the Westbury Hotel.

Mrs Marland: At the Westbury Hotel?

Mrs Rochon-Burnett: Yes. That would be a few months ago. All meetings were held at TVOntario, but they were put—

Mr Ostry: You mean people from the council slept there?

Mrs Rochon-Burnett: That is right.

Mr Ostry: They did not meet there.

Mrs Marland: So you used the facilities of TVO for your meetings.

Mrs Rochon-Burnett: The people come from all over the province for those meetings, so of course we have to put them up because they come for a two-day meeting—three days sometimes—but the meetings were held at TVO.

Mrs Marland: You are aware that I asked about this 20th anniversary book in the Legislature and I received a letter from your Mr Mayot. Mr Ostry, can you defend spending \$25 a copy on this book, which has an extremely expensive format, to celebrate the 20th anniversary? I understand you printed 5,000 copies. It has to be the most expensive format this kind of report can have in terms of art, photography, very expensive paper, etc. You are asking the public to support TV Ontario and you spend \$25 a copy for this elite book. Can you defend that? Do you think that is good judgement on your part?

Mr Ostry: I can explain it. If you ask me whether I would spend \$25 a copy, I would not, but that is not exactly how the thing occurred.

Mrs Marland: That is what his letter told me.

Mr Ostry: It ought to explain that in fact we had a sponsor, a supporter who backed out after the thing was

well under way. Is that not what the letter says? It was a question of making a judgement at that point whether you stop the investment you have already made in it, which is advanced, or whether you continue it. I agree with you that it is unfortunate. One would not plan to spend money.

Mrs Marland: Did TVO pay to have the chairman of NHK, the Japanese television station with which you have an agreement—it is my understanding he was flown to Cleveland for a baseball game at the time he was over here signing the agreement with TVOntario. Do you know who paid for him to go to Cleveland to see the baseball game?

Mr Ostry: We paid.

Mrs Marland: TVOntario paid?

Mr Ostry: Yes, we did.

Mrs Marland: How much would you have paid to send the chairman of the Japanese television station to Cleveland to see a baseball game?

Mr Ostry: We paid \$2,100.

Mrs Marland: You paid \$2,100. Why in heaven's name would TVO spend public funds on such a junket?

Mr Levine: I would like to respond by putting this in context. I am a professional in the entertainment business. I have acted for executives of every television network in the country and have put together, among other things, the Terry Fox Story, Anne of Green Gables and the Struggle for Democracy. I can tell you that television in 1991 costs approximately \$1 million per hour to produce; that is, dramatic television. This is a worldwide phenomenon that you can check with any network in the world: about \$500,000 a half-hour. Prime documentary programming costs \$500,000 to \$600,000 an hour to produce—for example, Struggle for Democracy. We are talking about relationships which could yield to TVO several hundreds of thousands, if not millions of dollars.

The question of whether judgements are sound or not, whether a baseball game in Cleveland or a dinner at the Westbury is an appropriate expense, I think has to be judged against the context of what the upside is for the public purse of finding partners. For example, in the Struggle For Democracy, I personally spent four round-trip tickets to England to get to Central Productions. When they invested \$1 million, I thought that \$10,000 or \$15,000 was well spent. It is in that context that we, as a board, have been aware of certain budgetary considerations and have supported the executives at TVO in their judgement. We do understand that, in retrospect, certain judgements may have been ill-founded, but I think it is very important for the committee to appreciate what costs are in this business. It is unlike other businesses.

1430

Mrs Marland: You are absolutely right. It is unlike other businesses, but I would suggest to you, Mr Ostry, as chairman, that this is not compared to any other network in the world. We are dealing with a publicly funded television service here that uses not only taxpayers' money allocated by the government; it is also, as we talked about this morning, by public subscription. I am one of the MPPs from this Legislature who has been on television begging for public funds to support this programming, and you are spending

\$2,100 on a junket for a Japanese television network chairperson to see a baseball game in Cleveland. I think that is indefensible. I think the argument about the world scene and the world competition—certainly I can see the necessity to have him here in Toronto, and even probably pay for his expenses in Toronto, but to fly him down to Cleveland for a baseball game is, I think, unbelievable at best.

You answered that question and I am more shocked. I had hoped the answer would be in the negative. I had hoped that the information was incorrect, that the incident did not take place.

I would also like to get more to the meat of TVOntario than this, in my opinion, rather flagrant disregard for the use of public funds, such as the things we have already talked about. But I want to get to the heart of TVOntario. I want to know whether it is true that you took, and when I say "you" I am talking about the people responsible for the operations of TVOntario, an amount in excess of \$500,000 was taken out of the programming budget last year and used some for some of the expense of the renovations and the 44% increase in the chairman's budget. Where did that money come from? In fact, was money used out of the programming budget?

Mr Bowers: In the study your research people did for you, you will see that the programming budget in 1989-90 was \$44.4 million, out of a total of \$79.9 million, so that is something over 50%. I do not have the exact calculation. You can see that back in 1986-87, the programming budget was \$30 million out of a total of \$59 million, something just under 50%. So the amount of money we have been devoting to programming has been going up. The other point I would make is that many of the renovations we have done were done for the benefit of programming. Many of the increases in the research area were done for the benefit of programming. We do research for the benefit of programming. In addition to the moneys that we spend directly on programming, which are increasing, other moneys and other increases which you have commented on have been done for the benefit of programming.

Mrs Marland: I am sorry; you have not answered the question. I understand very well that the money spent on programming has increased. The money that TVOntario has received has also increased over the years by the same table to which you refer. Also, on the same table that you are using, I noticed that in 1988/1989 the administration was \$7.3 million, and the following year it went up \$1.1 million to \$8.4 million. I have not actually worked out those percentages, but I would suggest to you that it is very questionable why the administration would be up \$1.1 million in one year, which I would very quickly guess is probably an 18% or 19% increase. But the question still stands, was money taken out of the programming account last year to go towards the cost of renovations, or any other area of expenditure in TVO? I know that your budget is submitted to the ministry and I know that when the ministry approved it, the money for those renovations was not in last year's budget presentation. So where did that money come from?

Mr Bowers: There is no such thing as money that belongs to anybody at TVO. Every year we do a budget, and we attempt to fund all our activities based on their priorities as we try to assign them, and we identify certain activities. It is impossible for me to answer your question because the money comes from the general revenue that TVO receives on an annual basis.

Mr Waters: I have a couple of questions. In your opening remarks you said that 75% of the teachers use educational videos. What percentage of that do you people actually create for them, or were you referring to what you did?

Mr Ostry: I am not sure we have those figures. I believe the 75% was of all videos, but the largest proportion of that is ours.

Mr Waters: It is created by you?

Mr Ostry: Yes. We can let you have the actual studies and the surveys without any difficulty.

Ms Kuplowska: It is just a little lower than that which would be created by us, because in our questionnaires to teachers, we are asking them what percentage they are using for educational programming in general, and TVOntario. Sometimes some teachers do not often—they will respond to one and to the other, but the TVOntario programming you are looking at is about just under 75%.

Mr Waters: What would it cost to create one of those, an educational video of the quality that we could use in a school system, on average? Just a guesstimate; I do not need exact figures.

Mr Duprey: It varies, but it is \$150,000 to \$200,000 for 15- or 20-minute programs. They are very expensive because they require a considerable amount of ascertainment and research and evaluation. We have achieved a level of success with our programming, in particular in schools, because of the kind of dedication we have had to the research and to the formative development of those programs.

Mr Ostry: I think it is useful to recognize that the reason TVO's videos, and the school side of the curriculum, are as successful as they are, and distinguished from other material in the international market, is that as Don and Olga were explaining we tend to spend the money on research and advice and testing with teachers and students before we make the pictures, which as was said costs \$100,000. But we have invested quite a lot of money, time, energy, and people to make sure the picture that is going to be produced is the picture the teacher wants to use in the classroom, and that the pupil will respond to. They are then monitored after that, and tested, so that if changes should be made in it they will be made, to make it even more successful. That is where a lot of the money goes.

Mr Waters: In the distribution of these, do you manage to recoup your costs, or do you actually make money?

Mr Ostry: We do not make money on it. The school systems, as we all know, are short of money. We have tried to move the sale of videos through the school boards at a higher price every year, but we have not had full recovery yet. We are trying to move towards that, full cost recovery. We have also tried to arrange with the largest number of

libraries we possibly can within the province, so that these are available in the libraries for teachers and pupils to use.

Mr Waters: Is there much of a market for that product outside Ontario? In other words, do you sell it to the Manitoba board or to some boards in the United States?

Mr Ostry: We market this material in Canada through our sister institutions in Alberta and BC. The return on them is not that great. It is not subsidization, but there are standard market prices for these. It is not a huge market, the school systems everywhere, including the United States, where we dominate that market as a foreign distributor. Though we dominate the market, we make only about—\$4 million? I do not know what the number is.

Interjection: It is \$4.5 million.

Mr Ostry: It is \$4.5 million in that market as the biggest supplier of foreign product in the system.

1440

Mr Waters: In our background paper that was prepared for us, there was one area of comment about TVOntario and the north. The last paragraph interested me. It said: "Four out of nine boards reviewed in northern Ontario, according to the study, respondents in the northern boards were vocal in requesting a greater role in TVOntario's program development. They felt that TVOntario's programs tended to be designed by and for the people in large urban centres." I would appreciate your comments on this, because although not coming from the extreme north, I do come from north-central Ontario.

Mr Ostry: I think we have a reputation of trying to be as responsive as we can to the north. We in fact took the initiative in distance education in pulling institutions together so that we could do more in this area. We have been the key instrument of television extension in Northern Ontario programs. I think you must be familiar with all of that. Olga will tell you more precisely about what you asked, and Lawrence Martin from the far north and the Wawatay Native Communications Society could add to that.

Ms Kuplowska: I am not exactly sure which study you are quoting, but certainly we spent a lot of time testing and getting information and feedback from teachers across the whole province. I have just been given the reference. In this case, now that I know from which point it is, it probably is an expression that teachers would like to have even more input and more participation. But certainly we can show and present the various studies that are carried out throughout the province during different stages of the development of our school programs, either ascertaining teachers' needs and determining the difficulties they are having in teaching different subject matter, and once the programs have been produced, monitoring exactly how they are being used, and also testing with students themselves.

Mr Waters: Do you ever take your professional people to the area?

Ms Kuplowska: Definitely.

Mr Waters: Unlike some members of the panel, I think it is quite healthy to travel around the province to get a different feeling of what the needs are of the individual

groups. I know there is a cost related to it, but I think it is a well-served cost.

Ms Kuplowska: Definitely, depending on the budgets we have, we do travel. When we cannot travel, we certainly are in person-to-person contact. So it is not a question of sending out questionnaires. It is a question of interviewing the teacher on the phone. So, in fact, over the course of a year, we will have interviewed, in French or in English, over 2,000 people. So that is just to give you some sense. This is, of course, all within very controlled budgets. But no, we definitely travel around the province.

Mr Waters: It was just that I found this to be a bit of a disturbing statement. I think I want to make sure.

Ms Kuplowska: I think we may have taken it out of context, but basically you will get that range of comments. I think, if anything, we are interpreting it as an interest on the part of teachers to continue inputting.

Mr Martin: If I could just comment on that, I think you have to realize when you are talking about the north and what is available in the northern communities, it is not like the northern Muskoka area.

Mr Waters: No, no, that is what I mean.

Mr Martin: So TVOntario, being the only channel in many of the northern communities—TVO pays a real big, significant part in the education material for those schools. Of course, you are going to get all kinds of comment from the teachers at those places, because that is all that they have access to, other than the stuff that the Ministry of Education—maybe just to keep that in mind.

Mr Waters: Okay. I just wanted you to alleviate my concern over the last page. If I could, I would like one last question. Also in our research data, we had a series of tables. Table 3—and I do not know where this comes out of what you have given us—says: “1990-91 unaudited: total revenue, \$91.4 million; total expenditures, \$91.6 million.” That leaves \$0.2 million. Where do you recoup it and how do you go about that? It is the first time, by the way, that I see that. I know we have press and that in here. Every other time, your expenditures have not been as great as your revenue.

Interjection: There was 1986-87.

Mr Waters: Oh, no. In 1986-87 you were in the same position.

Mrs Marland: Where are you, Dan?

Mr Waters: I am on page 8, table 3. I was just wondering if you could explain where this money is going to come from, and if it does come from general revenues of the government, how you justify—

Mr Bowers: We are running a surplus this year, and we have run a surplus every year since 1986-87. The reason for the discrepancy is that we operate on an accrual basis rather than a cash basis and each year there is a carryover of deferred funds for projects that are not completed. As it has happened in this particular year, it would appear as though we are spending more than we are receiving, but the reality is that there are deferrals into the next year and there were deferrals from the previous year into this year, so there was additional money coming into the year to cover the apparent increased expenditure.

Mr Waters: I should—

Mr Ostry: We are not coming back tomorrow morning.

Mr Waters: Okay. Going on the same lines—because down the road, who knows?—what did you do in 1986-87, because the same thing happened, only it has been audited and you did spend more than what you brought in. How did you get the difference in money? Or could you tell me?

Mr Bowers: Unfortunately, I was not here at that particular time. I believe we funded that deficit out of the budget. We reduced the budget in the following year. That was the first year, I think, that Mr Ostry came on board, and as you mentioned, we were faced with a severe potential deficit. By cutting down, we were able to eliminate the deficit coming into the year and we have operated in a surplus position ever since.

Mr Ostry: We can get the details for you, but I can assure you we did not have a deficit, because one of the first things we have done was a resolution passed by the board that we could not function with a deficit.

Mr Waters: My concern was strictly that if you were in a deficit position, did we as the government automatically have to pick this up—

Mr Bowers: No.

Mr Waters: —or was it something that would be transferred into the next year's budget and be allowed for?

Mr Bradley: I would like to pursue for a moment the entertainment of the guest from Japan, the sum of money which was mentioned. Was it \$2,500 for the flight to Cleveland?

Mr Ostry: No, \$2,100.

Mr Bradley: So \$2,100, sorry. Could one not draw the conclusion, if we have watched activities that have taken place within the Japanese government in recent years, the number of people who have resigned for various reasons, the change in leadership and so on, could we not define what was provided as a bribe?

Mr Ostry: I could not, but I do not know what any number of other people might. Mr Shima came here to sign a treaty with us that had been negotiated the over previous year or so. He was an invited guest. He happens to have been somebody well known in the United States as a baseball fan, he was an invited guest of the Cleveland baseball team, and the issue came up to us as to, how does he get there? Since he was our guest, we agreed to make that possible. But I do not personally believe that treating guests in that way is somehow a matter in which we assume they are being bribed. I believe, and I think you would know from the movement of government people and politicians around the world, that very often foreign countries make arrangements, and they are generous arrangements sometimes, to satisfy the convenience of individuals who are visitors and guests. But we had no reason to bribe him. The money was not going to him; it was going to an airline.

1450

Mr Bradley: The reason I ask is that governments and agencies of government have to deal with what are perhaps different practices in different countries, and that may have

been an instance, but when you are dealing with other countries, do you engage in practices which are effective in those countries? We in this country assume, for a contract or something of that nature, that we hope no one has to be bribed. We recognize it has probably happened in the history of this country over the years, but it generally is not considered to be a practice in this country that bribes are necessary. However, we do watch when people have to deal with certain other countries. I am told by people who deal with those countries that unless palms are greased or something, you do not get anywhere, that it is an accepted practice. The United States government, as you know, has gone through this problem. There have been some problems with the United States Congress questioning some of the activities related to the United States government and other governments and how they get things through in certain other countries. Do you feel obligated to do this in any specific case?

Mr Ostry: To bribe?

Mr Bradley: To make officials feel as though they should be doing business with you by providing any favours to such officials. Is that ever engaged in by TVO?

Mr Ostry: Not to my knowledge. I would hope not. We do not profit, in that sense, from anything we would do that way. I mean, individuals do not. We have dealt for years and years with the BBC and PBS and others. We tend to deal with public institutions. NHK is a public institution. I may be wrong; it may be that the public institution and the commercial side are different, but I am not aware that in what I am talking about there are examples of bribery. There may be that I am not aware of.

Mr Bradley: I am putting this in the context more of a dilemma that you as an Authority might face, as opposed to looking at anybody who is going to profit personally or anything, when you have to deal with other countries and deal with other organizations outside of this country, if you face that dilemma at all, because some agencies obviously do. We read about these things taking place dealing with certain countries and I am wondering if you are confronted with this. It appears as though this is not the case with the kind of people you deal with, but certainly it has been the case with either the private organizations or government organizations dealing with other countries.

Mr Ostry: I cannot say that I am aware of that at all. In this case, for example, we would deal with the protocol office of the government. The signing was in the Lieutenant Governor's. There were officials present. The whole itinerary of the president was known to the ministry. There was no kind of underhand or—somebody bought a ticket to put him on a plane with one or two of his people.

Mr Bradley: Another area I would like to look at is the area of the transfer of funds from one activity to another. I am trying to recall whether your agency would be subject to Management Board approval in transferring money. I think it was suggested that money was transferred from programming to administration. If that were the case, would you require the specific approval of the Management Board of Cabinet to do so? I know ministries do; I do not know whether your agency would.

Mr Ostry: No, I do not think so. We are schedule 3, I think, and as the chief operating officer was explaining to Mrs Marland, we make the budget. The estimates or the request for base funding are not totally earmarked in every respect. Am I providing the accurate information? I do not want to give you misinformation about things I may not be perfectly knowledgeable about, but I think that is the case, so it would not go back.

Mr Bradley: The third area I would like to explore, which would be a bit of a personal interest of members of this committee, and the chairman I think alluded to it in his questioning or remarks, was the moving of the question period of the Ontario Legislature, a much-loved program in years gone by, I am sure, in the provincial constituency of St Catharines, to 12 o'clock midnight, when many people are fast asleep.

Mr Ostry: More are watching. It is a growing audience.

Mr Bradley: If they do not have a VCR, it is a problem. I used to feel that perhaps 3 o'clock in the morning would have been a good time to show it at one time. Now, of course, I think 10 o'clock may be more appropriate. But seriously, for the sake of the committee here, because I did receive a reply to a letter from you, why would you move that to midnight, when it seems to be less accessible to more people than when it used to be shown at 11 or 11:30?

Mr Ostry: I think it is important for the English programming service to describe to you scheduling problems, because they are very severe.

Mr Duprey: Yes. As we try to produce more programming and make more programming about Ontario for Ontarians available, we are constrained by the programming hours we have at our disposal. As the chairman has alluded to, what we are working to do is to see if we can provide a weekly analysis of what is taking place in the House which would give some form and some structure to it, as opposed to just the gavel-to-gavel. We would continue to provide that at that hour, but we could, with a half-hour at a better-placed time, provide some synthesis. That is very much in our programming priorities and we are exploring that now.

You may know we had Canvass Ontario, where we were following the legislative committee on the Constitution, and we felt that worked quite successfully. It kind of introduced us to working with the Legislative Assembly channel people, so we are trying to move in that direction.

Mr Bradley: That was well done, by the way. That production was well done.

Mr Duprey: We are aware that there are on the legislative channel some other repeats of question period as well, and we appreciate that it is somewhat awkward, but we are just pressed in terms of available program hours. It is an hour an evening, and we are trying to amortize our own programming as well by doing some judicious repeating at a later hour to reach as many people with the programs that we are producing ourselves. So we are trying to satisfy all the interests.

Mrs Marland: Mr Ostry, you said a few minutes ago that it was the kinds of questions that were asked this morning that demoralize the staff at TVOntario. I would

suggest to you that it is the kind of information those questions are generating that will demoralize the staff at TVOntario.

Could you tell us when this infamous trip to the Cleveland baseball game was for the Japanese television chairman?

Mr Ostry: I cannot give you the date, but I can give you the—

Mrs Marland: Can somebody tell me when it was?

Mrs MacKinnon: May of 1990.

Mrs Marland: I do not want the answers from the committee.

Mr Hayes: Do you want the answer or not?

Mrs Marland: I would like the answer from the person who said it cost \$2,100. That is what they are here for.

Mr Bowers: I do not have that knowledge with me. I recall the figure because I was aware of it. I do not have the information of when the trip took place. I can certainly find out and advise the committee. I just do not have that information at my fingertips.

Mrs Marland: Could you, Mr Ostry—you have the date?

Mr Ostry: I have a date from someone here who said May, 1990, but I do not have the day in May.

Mrs Marland: If we could have that confirmed, please, the date in 1990?

Mr Ostry: I will be pleased to do that.

1500

Mrs Marland: Could you explain to us—
Interjection.

Mrs Marland: Ellen, I do not think it is fair to interrupt and take up my time. Mr Ostry, could you explain how a fare to Cleveland gets to \$2,100?

Mr Ostry: How?

Mrs Marland: You said this gentleman was a guest of the Cleveland baseball team.

Mr Ostry: No, I said he was invited by us. He was our guest.

Mrs Marland: All right. How is it that it cost \$2,100 to Cleveland? I am sure the round-trip fare is not more than \$300.

Mr Ostry: I assume that, given his itinerary, it was necessary not to take a commercial flight. That is the only way it could be \$2,100. It must have been some little plane that was rented.

Mrs Marland: And you are not concerned about this? In your response to Mr Bradley you said it was just the price of an airline ticket. Now we are learning it was a chartered plane.

Mr Ostry: I did not say anything to Mr Bradley about the price of an airline ticket.

Mrs Marland: We have it on Hansard; we can review it, but not to get pedantic. Are we saying this was a chartered aircraft?

Mr Ostry: I believe so, yes.

Mrs Marland: Who went with him from TVO?

Mr Ostry: I am sorry. We can provide this information. We did not bring all the information from May 1990 on the airplane with us.

Mrs Marland: I would appreciate receiving that, if the committee could have that information.

Mr Ostry: I would be glad to provide it.

Mrs Marland: Mr Ostry, when you fly, do you fly first class?

Mr Ostry: Yes, as long as the distance is beyond an hour.

Mrs Marland: Beyond one hour you fly first class. Who else in TVOntario flies first class?

Mr Ostry: Nobody, to my knowledge.

Mrs Marland: No one. Any other board members?

Mr Ostry: I do not believe so. I do not know.

Mrs Marland: Why do you fly first class?

Mr Ostry: I would have to discuss my own personal physical problems going back to 1970-something.

Mrs Marland: I understand you have a back problem.

Mr Ostry: I had the agreement with Treasury Board at the time and it was agreed, on the basis of the medical evidence, that I should be permitted to do this. When I came to join the provincial government here in 1980, I think it was, I indicated—

Mrs Marland: You brought all those benefits with you?

Mr Ostry: I indicated this was the situation, and that is my explanation.

Mrs Marland: I have a back problem and I fly economy with an Obus Forme.

Mr Ostry: I would like to ask you also whether you could tell us what the cost was for three members of the executive branch, and I understand it is possible that those three members were Howard Krosnick, Bill Roberts and Olga Kuplowska, that they were on a travel trip around the world to get information for you and contacts to do with globalization. Can you tell us about that trip, what it cost and whom it involved? Have people from TVOntario travelled overseas?

Mr Ostry: Certainly. The television business is an international business.

Mrs Marland: I understand that. I am simply trying to find out what TVOntario has been spending money on. Does anybody have the records of those expenses?

Mr Ostry: Oh, yes.

Mrs Marland: Could this committee have them?

Mr Ostry: No problem about that.

Mrs Marland: All right. Could this committee have a breakdown of the expenses of the office of the chief executive officer and the chairman of the board for the past three years?

Mr Mills: You could not have it immediately because it is one of the items, as a result of the questions you and others raised, Mrs Marland, that the Provincial Auditor is looking at. We are constrained from doing anything in relation to those items while his review is pending. We expect it to be completed and released within the next four

to six weeks. We are hopeful it will be that soon. Once that happens we are not under the constraint any more.

Mrs Marland: You are saying that the Provincial Auditor has prohibited you from giving information about expenses and operation?

Mr Mills: One of the terms of the review being undertaken by the Provincial Auditor, who happens also to be the auditor for TVOntario in the normal course of events, was that we would not divulge information about the audit or comment on it publicly until the review is completed and released to the public. Fortunately, today nothing has come up which intervened in that, but this is the first issue.

Mrs Marland: Mr Ostry, would you give your commitment to this committee that when the auditor's report has been tabled, you will give us a breakdown of all the expenses associated with your office and your staff?

Mr Mills: We had better understand, Mrs Marland; I thought what you first asked for was the details of the chairman's expense account.

Mrs Marland: Yes, and the staff in his office. When the administration increases by \$1.1 million, from \$7.3 million to \$8.4 million over one year, I think the public needs to know what kinds of personal expenses and entertainment costs—

Mr Mills: You will not find it in the expense accounts.

Mrs Marland: Wherever it can be found, would you provide it to this committee?

Mr Ostry: We will certainly try, yes.

Mrs Marland: In response to my question about this book, you mentioned something—I would have to read Hansard to find out—but you made an offhand comment that it was supposed to have been paid for or subsidized by someone.

Mr Ostry: Yes, by a corporation, by a company—

Mrs Marland: I cannot hear your answers, I am sorry.

Mr Ostry: We did a budget that related to the 20th anniversary and it included that publication and a number of activities around the province. Telesat Canada was underwriting a portion of that to the tune of over \$200,000, and in the case of the—

Mrs Marland: Well, it only cost \$125,000.

Mr Ostry: That is not the only thing we did on the 20th. I am talking about the whole—

Mrs Marland: I am only talking about this.

Mr Ostry: As I said to you earlier, I am saying that if I were starting from scratch and the proposal to publish that out of our budgets were presented to me, I would refuse to do it. But that was not the situation when that occurred. When that occurred we understood there was someone who was going to foot the bill for the publication of that work.

Mrs Marland: That was prior to its being published?

Mr Ostry: That was at the time that it was a proposal.

Mrs Marland: Okay. So how is it that it was published in 1990, and when Mr Mayot wrote to me in January of this year, he did not refer to that at all? He simply told me the cost was \$125,000 for 5,000 copies. There is

no explanation in his letter to me that talks about the fact that you had not budgeted \$25 a copy for this book.

Mr Ostry: That is unfortunate. I do not know if Ross wants to say anything on his own.

Mr Mayot: What we were trying to do was answer the question about what costs were and not spend a lot of time in terms of other information. I think at the same time a letter went to the ministry which followed up and it did identify the fact that when we intended to have this book published, there was very much a firm offer of underwriting the costs of doing it. Unfortunately, that was retracted.

Mrs Marland: Unfortunately, I am not the ministry, and I raised the question so I think I should have had that information. But you are saying you would not do it again.

1510

Mr Wiseman: I would like to start by saying that of all of the committee members except maybe Mr Bradley—but he has not been in a classroom recently—I have probably used your product more than anybody in this room, and I can tell you that my students and I have found it to be very useful and very enlightening. It has contributed to some of the best discussions about politics and history that I have had in my classroom, especially the series the Struggle for Democracy. That was an excellent series, and it came at an excellent time for me because we were studying that in one of the courses I was teaching. Your series *Origins; The History of Canada*, is another one I have used intermittently. I did not get a chance to use the early parts because when I was teaching high school the history was just the 20th century. The other series that you have been able to bring from Europe, a series by James Burke, has been also exceptional in terms of promoting discussion in the classroom.

I do not know how you measure that in dollars and cents, but I can tell you that in terms of intellectual stimulus, it is very good to have that kind of resource. From everything you have heard this afternoon, I think you need to hear something positive.

Mr Ostry: We are relieved to hear it.

Mr Wiseman: I also have two young children. They are constantly glued to TVOntario, so you are doing something right there as well.

The one question I do have about some costs are the research and development of 1987-88 and 1988-89, when it seems to have been about half of what it was in 1986-87. Was that partially because of the deficit in the year before that? Is that where you made up some of the costs?

Mr Ostry: I guess it was in 1986 when we looked at the projected deficit. It was a year in which we had to decide to cut 50 positions. I think we sorted that out through attrition, but we eliminated 50 positions as a start to reducing the cost, because the fixed costs of our labour are half the costs of our operational budget. Many areas got cut, but one of the areas that got cut was research and development and as soon as we could restore that, we did.

Mr Wiseman: Yes, administration, support and sales, equipment lease, all of these went down from the year before.

Mr Ostry: Mrs Marland is out, but I think we cut everything except programming—is that right?—the only part that was not touched, or hardly touched. You see, one of the costs that are in the administrative increase costs that she talks about, moving the \$1-something million from \$7 million to \$8 million, or whatever the numbers were, if you look at the increase of \$10 million or \$15 million in programming, the increased money into programming creates throughout the whole system additional costs, including administration. The quantity just does that.

Mr Wiseman: The other question I have was sort of brought up with the questioning about the trip to Cleveland. It is within the realm of doing business. Would you say that TVOntario is forced, by its mandate and by what it has to do, to be in the ethos of doing business? Does it have to operate within the same boundaries and parameters that are out there for other businesses for it to survive and do business? Do you understand what I am getting at?

Mr Ostry: You will tell me if I am wrong by my answer, because I think there are really two kinds of answers. TVOntario is affected, just as any commercial network, by technological change. If there is an improvement in quality of pictures, we have to make sure it is that. If there is an increase in the number of programs on cable, that is additional competition for us, just as it is for the operators out there who are looking for an advertising dollar. But we are looking for a viewer. It is fragmenting the market, in that sense.

Where it is different is in the programming, and there we tend to deal with other public broadcasters who are, apart from the competition in the environment that I described in a limited way, dealing with a different kind of product. The problem there is that the cost of making that product in the past was much lower than it is now. The explosion in western Europe and the increased cableization in the United States have created a demand in the market for that upscale quality product which public broadcasters before used to have to ourselves. So the competition for product and people's attention is far greater, and we are affected by that just as commercial stations are. As I say, I do not know if that answers your question.

Mr Wiseman: It filled in the blanks okay. Another question: Do you get any corporate sponsorship?

Mr Ostry: Yes. You talked about Origins, the English and French history series.

Mr Wiseman: That was a Petro-Canada series.

Mr Ostry: No, it was CPR. It occurred just when I arrived or just shortly after. They put up something on the order of \$600,000 or \$700,000 for that series. It did not pay for the whole thing, but it was a major contribution to our being able to do that in two languages with the quality it had. It has a shelf life of years and has been a superbly successful series.

Mr Wiseman: I would agree with that. Is your corporate sponsorship down at this time?

Mr Ostry: It is up. It has never been very great. There is not the same—you talked about ethos—business attitude in Canada to the public sector as you have in the United

States where there are many more foundations and corporations quite happy to put up money for PBS, given the national audiences it is able to put together in its system through affiliates, than we can command, confined to Ontario in that sense.

If you went to a McDonalds or to Petro-Can, they would say: "But we're a national organization. If we're going to underwrite something, we want the thing to be seen across the country." We cannot guarantee that. Sometimes the programs are bought by our sister institutions; sometimes they are not.

Mr Wiseman: This satellite agreement with the Japanese firm: how successful has that been? Have you had a chance to do any evaluations of that?

Mr Ostry: It is not a satellite agreement. The treaty with the Japanese is to expand the process we started many years ago with two or three producers who were interested in science and environmental programming. They built personal partnerships, and the moneys we were putting in together were fairly equal. But as the relationship grew, they established something called Scienceview, which brought in many other countries of the world, so that the partnership expanded and the quality of the programming, because of the influx of more partners financially, both in the making and the distribution of the programs, increased to the point where it was agreed that, given that as a core example, we should try and move from there to technical co-operation, through exchange of people, to see how much more we could do together which saved money.

The NHK relationship has been a very lucrative one for TVOntario, because they have tended to put up a disproportionate amount of the money while we have put up, if you like, the creative and intellectual input to the programs which they have been prepared to accept. From our point of view it has been quite a wonderful partnership and we hope to move it forward.

They are members of something called Pac Rim, which involves the Australians and the British and the Americans on the Pacific seaboard who are in PBS, and again, it is the constant need of the public sector trying to find the equivalencies that produce the economies of scale that mergers and buyouts have done for the commercial sector, because that is what has changed the production costs for each one of the distributors.

1520

Mr McGuinty: Mr Ostry, I was wondering how it is you break down the kinds of programming offered. Would you term all the programming as being educational? Is that a fair statement?

Mr Ostry: That is our licence.

Mr McGuinty: That is your licence. I guess trying to define whether something is educational might be like trying to find out whether something is art, but in any event, programming for children, adolescents, adults. I guess I am most interested in the programming for adults. Some of that, as I understand it, qualifies for accreditation with post-secondary institutions, is that correct?

Mr Ostry: Those programs for home studies are for adults of all ages. Some are designed for credit courses, and they are mostly in distance education.

Mr McGuinty: My concern would be that perhaps there—and I am just speculating here; you can correct me if I am wrong—may be some duplication. That course may be offered in a particular community where, perhaps, I could simply attend the course in a classroom, an existing building with an existing staff, a teacher, or I can watch it on TV. Is that possible?

Mr Ostry: It is possible in a theoretical sense, but I do not think that is how these things are designed, because we prepare these with colleges.

Mr Duprey: In this case we are discussing distance education, and what we try to provide is an equality of access to the people throughout the province. If you are favoured because in your community you have a university or a post-secondary institution or a high school that offers that program, someone else in another community may not be so privileged.

What we are doing is using technology to be able to distribute that program and allow a student elsewhere to access that university through a credit and follow the program through our television network. We are doing the same with direct teaching to high schools. We are moving into opportunities where small high schools cannot offer programs comparable to larger high schools, so it is in that model we are developing.

Mr McGuinty: You term something distance education. Does that mean that that format, for instance, would not be offered in a larger metropolitan centre?

Mr Duprey: There is a phenomenon of distance where what one witnesses is that people learn in different ways. All learners do not like to go to a classroom to learn, and so we are being approached by various associations and organizations—the Ontario Hospital Association, the Ontario Fire College, the OPP, and others—who feel a need to offer their skills-training programs via television for students near where they are offering them institutionally, because there is resistance on the part of individuals to attend a formal classroom situation, or they have shift work, or there is a variety of impediments such as their home life or a variety of other reasons which prevent the individuals from following the course, so this is an additional opportunity to ensure equality of access.

Mr McGuinty: I guess there would be a cost on a per capita basis—maybe it has not been calculated by you—of delivering that program to a student sitting in a classroom. You can compare that to the cost of delivering that program to someone in his home. How do those costs compare?

Mr Duprey: Again, what we attempt to do is partner with existing educational institutions. We do not attempt to set ourselves up to provide the credit ourselves. We associate ourselves with post-secondary institutions, school boards and institutes, credential-granting organizations whose object it is to provide that training.

We help manage the learning via the television network as a supplement. In some instances, people may gather together in a formal classroom but that particular

classroom or institution does not have the wherewithal to hire the teacher, and therefore he or she is brought in from a distance. So it is an apple and orange situation.

Mr Ostry: If I may continue just one step further, apart from what we are doing and the question you raise in the context in which you raise it, along the road in the future, ahead, the decline in costs in delivery from satellites, the expansion of cable everywhere, the decline in the cost of small dishes to pick up signals from anywhere, and the decline in cost of types of interactivity whereby you could deal with it at a computer at home tied to your screen, or on telephones, into academic centres or the like, you raise a very fundamental issue in education some time down the road, but maybe not that many years, where the issue of how much is in the classroom as we have known it, how much in the university as we have known it and how much is going on at convenient hours for people at home at all ages is going to take place. It is going to have a huge impact on the structure and funding of education. There is no question.

Mr Duprey: Our skills channel proposal that Mr Ostry alluded to is an example of how we want to reach the learner in the workplace to support the learning in the workplace in terms of enhancing productivity.

Mr McGuinty: I see that certainly as an avenue that we ought to capitalize on as the technology becomes available. My only concern I am trying to express is that if we are going to increase the amount of education that would be delivered by broadcasting, we ensure that we are not ending up in a position where we are duplicating. That is all.

Mrs Marland: Mr Ostry, could you give me the name of the NHK chairman who was entertained on that trip to Cleveland?

Mr Ostry: Shima, S-H-I-M-A. That is his surname.

Mrs Marland: What is the first name?

Mr Ostry: His initial is K.

Mrs Marland: I noticed that at the beginning of this year we tried to get some information from Mr Stan Pekilis, who is the co-ordinator of public accounts with the accounting, policy and reporting office of the Treasury of the Ministry of Treasury and Economics. We requested a breakdown of expenses claimed by members of the board of directors of TVOntario and we were told that the ministry does not receive a detailed listing of expense information. Apparently they only get a lump sum amount. Could you confirm whether that is in fact the operating practice of the board?

Mr Ostry: I am not sure what we give the ministry. The Ministry of Treasury you are talking about, or the ministry of—

Mrs Marland: I am talking about the Ministry of Treasury and Economics, which deals with the finance.

Mr Ostry: I do not think we submit anything to them.

Mrs Marland: To whom do you report a breakdown of the expense claims and the honorariums paid to the board of TVOntario?

Mr Ostry: We do not report those outside the institution. They are examined by the internal auditor and the finance committee.

Mr Mills: Perhaps I can help, Mrs Marland. The honoraria paid to directors are not fixed by the board; they are fixed by the cabinet. We are told what they are and to pay them.

Mrs Marland: What are they?

Mr Mills: At the present time I believe the board members get \$175 for a meeting and the vice-chairman \$200. Those are rates that are paid to other agencies as well.

Mrs Marland: Does the chairman receive a per diem on top of his salary?

Mr Mills: No, not to my knowledge. Then the expenses of the directors we are required to pay by statute. You asked earlier about travel. The policy of the organization is that all directors, like all employees, have first-class train travel and tourist economy air travel.

You asked about the chairman's travel expenses. That was not something the board has jurisdiction over. When Mr Ostry was appointed, I was communicated with by the Premier's office as the funnel for the board, if you will, and we were told what his terms of remuneration were and what the terms of his benefits were. One of them was that because of a medical problem, he was to travel first class on any flight over one hour in duration. We were told he was to have his car and driver transferred from Queen's Park, and his salary, as I think I mentioned, is determined by order in council.

The expenses of the organization are all reported to the board's finance committee. That is the responsibility of the board, to vet those finances. Similarly, the board's expenses are vetted by the internal auditor and then are part of the annual audit procedure by the Provincial Auditor.

1530

Mrs Marland: But since Mr Ostry is indeed his own boss, because he is the CEO and chairman of the board, how can we obtain a list of his expenses claimed as the CEO?

Mr Mills: You have asked for them—

Mrs Marland: I have requested them for the last three years.

Mr Mills: —and we have indicated that as long as we are permitted to give them we will give them. We have no reason to keep them from you.

Might I just say, Mrs Marland, since I have the microphone for a moment, you mentioned earlier, and I was not given the chance to reply, that I had refused information you had asked for on behalf of the Authority. I think what you should understand is that I had a call as the secretary of the board from a librarian in the legislative library saying could I please provide to the library details of all the individual expense accounts of each of the directors and each of the senior management officers at TVOntario.

I explained that was beyond my responsibility as secretary of the board. I said if it was important for someone to have that information, would they please ask for it in writing and indicate why they wanted it. I would take it to the board. I do not want the committee to be left with the

impression that TVOntario tries to hold back information. I have had the good fortune, the privilege certainly, to serve this board for 20 years. To my knowledge we have never tried to be secretive about its affairs.

Mrs Marland: That leads me to the next question. Just before that, Mr Ostry, you have an apartment in the Manu-Life Centre.

Mr Ostry: Yes.

Mrs Marland: Is that paid for by TVOntario or yourself?

Mr Ostry: It is paid for by me.

Mrs Marland: Okay. Mr Ostry, with your experience now with TVOntario, do you feel that a government-funded organization like TVOntario should be exempt from the Freedom of Information and Protection of Privacy Act?

Mr Ostry: For an agency as open as we are, it would not make a great deal of difference because the freedom of information act requires applications and in some cases financial remuneration for the searches. I do not know it would make a great deal of difference, I honestly do not.

Mrs Marland: So what you are saying is that "as open as we are" would mean that without the tool of the freedom of information act the public could access information about the financial operations of TVOntario, since it is a publicly funded institution?

Mr Ostry: Within the constraints that the secretary of the board has referred to.

Mrs Marland: So do you think it is appropriate that TVOntario pay \$1,600 for a table at a dinner, for example, the April 16 dinner this year? Are there many dinners like that for which TVOntario buys a table of tickets? I can perhaps understand one or two people going, but how can you defend that kind of expenditure of public funds?

Mr Ostry: I defend it because I believe the senior members of this institution, given an opportunity once a year to support a public policy service forum which depends on private and public assistance and which is designed to be a bridge between the public and private sectors, should be supportive.

Mrs Marland: You mentioned this morning in your comments that perhaps it is time a younger person should take over.

Mr Ostry: I do not want to be accused of saying anything against anybody beyond the age—

Mrs Marland: No, I can only paraphrase your comments, since I do not have the benefit of instant Hansard, but you did refer this morning to the fact that perhaps it was time for someone else—let's say that—to be taking over. I am wondering, in light of those comments this morning and some comments you made in the scrum, and in light of some of the admissions you have given to the committee today about some of the things you would have done differently had you them to do again, does this mean you are possibly considering stepping down before the—is the end of your term September 1992?

Mr Ostry: Yes, it is.

Mrs Marland: Are you considering stepping down earlier?

Mr Ostry: I have been considering that for some time.

Mrs Marland: So what does that mean exactly?

Mr Ostry: It means I am considering it.

Mrs Marland: Can I get back to the study about the space accommodation? Is it true that the IBI Group has been discontinued as the consultants for TVOntario on this program?

Mr Mills: The IBI Group was retained to do a number of things for the Authority, including a study on what the future of production requirements will be, relative to space requirements. It became apparent, after that booklet you have held up was issued, which is an invitation to the landlords of the area to indicate whether they would be interested in having TVO as a tenant and, if so, on what terms, that they intended not only to continue as TVOntario's consultants, but to advise some of the people who would be submitting responses. Obviously, that was a conflict we could not accept, so we terminated the arrangement and had to hire a different firm to carry on the work.

Mrs Marland: What is the current status? Are you going to continue spending money, Mr Ostry, in your present leased accommodation, while you have not made a decision about whether you will be moving?

Mr Ostry: We are required by our lease to pay money to—

Mrs Marland: No, I am not talking about rent. I am talking about significant renovations, as in the past two years, in excess of \$2 million. While you continue to look for alternative accommodation, knowing that your lease is up in two or three years, are you still considering perhaps spending money where you are?

Mr Ostry: If you are asking me whether we will not spend any money on renovations for the next three years, I would have to say that we will. There is no way you can run a place with 550 people, with changes taking place, and assume that you will not be making changes. We have the moneys annually in our budget for that purpose. Nobody can operate a building—in effect, two—of several thousand square feet with the turnover of staff and the rest without spending money on it.

Mrs Marland: So if you were to vacate that building three years from now, you are going to say in the meantime you would spend money on renovations?

Mr Ostry: I would first have to know whether we are going to move, and we have not yet decided that.

Mrs Marland: And when will you be making that decision?

Mr Ostry: I suppose when the government lets us know that we can, after it has an examination of the material we are collecting through the consultants we have.

The Chair: Sorry, Mrs Marland. We have to move on to Mr Ward.

Mr B. Ward: It is hard to believe we still have some questions for you.

Mr Ostry: I do not know if I have any more answers.

Mr B. Ward: I have a new question for you. If I am a filmmaker in Canada, particularly from Ontario, or involved in or would like to be involved in the film industry, what opportunities can TVO offer me? Can you give some examples?

Mr Ostry: The programmers will be annoyed with me. If I were in the filmmaking business, I would not want to go to TVO, which is in the television business—

Mr B. Ward: That is what I meant when I said film.

Mr Ostry: —and it is a narrower area, educational television.

Mr B. Ward: Yes, as it pertains to TV.

Mr Ostry: In the Toronto area, with the centre that Norman Jewison set up to train people in the film industry, which is comparable to one in London and one in the United States, and the number of independents that have grown, in part as a result of Telefilm Canada's capacity to feed that independent industry, and the fund that was provided for the CBC to draw on to assist with Telefilm Canada the making of films, and particularly drama, for television distribution—there are a whole range of opportunities, and TVO would be a very good place to learn the trade. Does that answer your question?

1540

Mr B. Ward: I guess so.

Mr Levine: Mr Ward, if I could amplify that, because my responsibility is programming, there is a worldwide trend, even among public broadcasters, to increasingly utilize independent producers in their work. It is happening very dramatically at the CBC where, for example, its in-house drama production is almost entirely gone, and virtually all of their productions, such as *Anne of Green Gables*, for which they have taken credit for years, was in fact produced by an independent producer. This is now statutory in the United Kingdom, that at least 25% of the production of the BBC and the independent network—their equivalent of CTV or Global—must be provided by independent producers.

Similarly, TVOntario has increasingly sought outside independent producers to bring programming ideas and to work with TVOntario in developing them, as well as, of course, having their own internal producers, so this is an ongoing activity and an increasing activity. Because the unit cost of production at TVOntario is so much lower than the other networks, primarily because they do not do drama, it is far less attractive for an independent producer who could, for example, be producing a \$1-million-an-hour drama in which the CBC and other foreign networks would participate, rather than coming to TVOntario to do a skills at \$10,000 an hour. There is just a lot less room for running a private sector company out of TVO, but there is an increasing amount of it notwithstanding.

Mr B. Ward: If the opportunity were there, would the suggestion be perhaps that TVOntario should head into the drama area, to allow opportunities for—

Mr Levine: It is too expensive. If you take a look at a \$90-million budget, if you wanted to pay for dramas, you could produce 90 hours. As you see from the quick-glance

statistics, there are hundreds of hours, both produced and acquired. Rather than producing a dramatic hour at \$1 million, it is a lot cheaper to go and buy the best films in the world for \$25,000 or \$30,000 a run, which is what TVO is doing, for example, with *Saturday Night at the Movies*.

Mr Ostry: We have submitted to the government a request, together with the independent film-producing community, for a fund of some \$7 million or \$8 million to assist in the production of types of documentaries that are dramatized. That, for example, because of the existence of Telefilm, would produce an opportunity for people in the business to get on with their trade and to strengthen it at a time of recession.

Mr B. Ward: I knew I would get it eventually.

Mrs MacKinnon: There is one paragraph here in this paper in front of me that intrigues me, Mr Ostry. You state that public broadcasters around the world joined together to share their experiences and pool their resources in order to compete with the private sector. As one who is not very technologically involved—an egg-beater is about my style—could you please explain that? I have an idea that maybe you have a vision of this being rather the whole globe. Am I right?

Mr Ostry: I would like to answer in two parts. Today, there is a sea change in co-operation within the public sectors in television and broadcasting. In Europe, the Germans, the Italians and the French have very close working relationships in production and distribution. The European Community is trying to stimulate that at the same time as it is trying to establish a quota on the import of American drama—fiction, as they call it.

In the United States the PBS system is totally different; it is very difficult to find a central body to co-operate with. We have to deal with individual PBS stations, and that is very time-consuming, but we manage to do it from time to time.

I made a reference earlier to Pac Rim, where there are a number of public broadcasters, including the CBC, NHK and others. The concentration there is largely on environmental and science-technology programming. A total of X number of people—20% in each case—come together to pool their resources and their distribution facilities in order to make these programs, which they otherwise could not afford by themselves; they simply would not be made.

You open up a whole other area, however, when you talk about the world. It is a mystery to me why the lead has not been taken by some of the world's great public broadcasters in establishing world services where the commercial systems would never go. It is one thing for Ted Turner to do news all over the world. Why the BBC or NHK would want to compete with that is beyond me when there is an unbelievable hunger for educational material, cultural material, skills material; when Intelsat in Washington is going to have a surfeit of transponder time; when governments—with peace breaking out around the world—are now going to have to deal with huge ecological and feeding problems in global terms.

Why we cannot produce two or three world services in these social areas in education for the benefit of all mankind, I do not know. The related costs are not huge. I am

talking now about costs related to something else. If you want to start building schools all over Africa and Asia, and man them and train teachers and do all that, we are all going to have very long beards—those of us who grow them—before anything is done that is measurable in their lives.

On the other hand, there is a huge opportunity for a country like ours to take a lead in this area, because we are a leader in communications and because the quality of our education—which people may criticize from time to time—is, in fact, in world terms, relatively high. With partners like the Japanese or the Germans and others, there is enough programming now on the shelf.

If you foresee having world services in two or three years, you would have been able to produce enough to begin the process slowly of distributing this information that is of such great value to the other societies. When I talk about “global” in the terms that you mentioned in another level, that is what I mean.

Mrs MacKinnon: Thank you very much. It sounds interesting.

The Chair: Mr Ostry, I have one quick question and then we will move to Mr Bradley for the last questions before the afternoon winds up. We will have you out of here by 4 o'clock.

We talked about la chaîne earlier, and I think the figures you gave us earlier is that there are about 180,000 people tuning in at some point during the week to the French-language network. Is that the figure you used? Do you have anything in terms of average viewer time?

Mr Ostry: We have the researchers and the French network trying to work that out—

Mr Bensimon: Two and a half hours.

The Chair: So we are getting 180,000 people tuning in for approximately two and a half hours per week, and that is chewing up one third of your budget. Do you still want to comment on whether that is a fair allocation of resources?

1550

Mr Ostry: I think that successive governments, and the TVOntario board, and legislation like Bill 8 and the sense of responsibility that is there, provide us with really one alternative. Either you have a full network to service the Franco-Ontarian and francophile people of this province, either you have an interest in their receiving the quality of education that comes across the English side, or you do not. I think that is a political decision; and our board, which is not in politics, took the decision some time ago, when the Secretary of State of Canada decided to pull out, that it would try and sustain it as best it could.

The Chair: One quick question in this line, though. There is a board, and your staff; you are the experts in this area. Do you not believe that the needs of those 180,000 viewers tuning in for two and a half hours a week could be met through the one network? You were looking at something like 17 hours of French-language programming prior to the establishment of this network.

Mr Ostry: It was 17%, yes.

The Chair: Was that not a feasible way, perhaps, of continuing to meet those needs rather than establishing a network which is chewing up one third of your budget?

Mr Ostry: Well, I do not want to argue with the Chair.

The Chair: It is a political argument.

Mr Ostry: But, to be fair—I do not have the numbers here with me. I do not know how many English-speaking people in the province of Ontario were receiving the signal in 1974. I do not know what the numbers are compared to the numbers of those people in this province. It takes time to grow.

The lack of transmitters and the extension of the service to cover all of those who want—I mean, according to some stats, there are something like one million people in this province who want to watch and work in the French language. That is beyond the indigenous Franco-Ontarians, who are described in another way. I think that is a political decision as to whether you want to support a service to those groups.

Mr McLean: I have a supplementary on that, Mr Chairman.

The Chair: Make it short.

Mr McLean: Of course, my questions always are.

On Sundays I turn TVOntario on. Nine times out of 10 it will be in French. Is that normal programming for Sunday?

Mr Ostry: That is a policy which the board has been struggling with ever since we extended the network: the issue of switched Sundays.

Mr Bradley: Saturday and Sundays.

Interjection.

Mr Ostry: Just Sunday. Before they had the network, you had the Sundays in French and there was an audience that had been built up for 17 years watching that, and the concern was that we would lose that audience in the process. We have done surveys now twice and brought back reports to the board as to whether we should or should not switch, and it is still up in the air. It is still an issue.

Mr Bradley: You mentioned a couple of times a potential for your retirement some day, whenever you see fit to retire, and I am interested in the position—not personally interested in the position—

Mr Ostry: Why not? It is an important job.

Mr Bradley: I have viewed the committee work today.

I am interested in the kind of individual who you believe, some time in the future, would fill this position, in the context of the articles you have written and the speeches you have delivered on your concern about patronage in government, and the fact that a position like this could potentially be filled by a person who is a known and active member of a political party, as opposed to one who is not, and that as a result, the Authority—even though I recognize that the chairman and the chief executive officer does not control everything by any means within the Authority—there is the danger of it changing philosophy politically.

We have John Crispo who contends the CBC is a bunch of leftist wing-nuts. Most people would disagree with Mr Crispo on that, but he makes that suggestion. We

have in the United States the suggestion on the part of some members of the Republican Party that CBS is the tool of the Democratic Party. I am looking at those kinds of things.

What kind of person, in terms of how involved politically that person is, should be in a position such as yours, or a comparable position in another authority? I realize that is a difficult one to put before you.

Mr Ostry: I think in the end it is a judgement. Let me move it out of Canada for a minute. Jay Rockefeller announced he was not running today. His wife is a Percy. His wife was appointed by a Republican administration to chair the Corporation for Public Broadcasting. A few years later she was offered the job of running the Washington, DC, station for PBS. She is a very political person, but her interest in public service broadcasting is so well established in the community that nobody would ever question that she would use that base to distort what Lehrer, who feeds into the New York system for the MacNeil/Lehrer NewsHour, says. Nobody would dream of that.

If you see how the commercial side is in such deep trouble, and there has been a long series of problems with the public sector in different parts of the world for the last five years, I think the person who has to come in here has to have a stomach to sustain all kinds of criticism but has to have a commitment to the value of a public good in this area of education and culture. That has to be the first commitment, and a recognition that the only way you can deliver that good is if you have the support of enough of the community where you are based, which is why we spend a huge amount of our time and energy absolutely confirming the community roots of the institution all over this province. That strength allows you to move out into the world supported by that, and the legislators here and the governments of the day, and co-operate with people with similar value systems in terms of the products they want to deliver.

There is a difference between appointing somebody who happens to be a Liberal or NDP or a Conservative and appointing somebody because he is. I think that is a fundamental difference, because in the secondary case, if you are delivering information and education, the product will become suspect in the mind of the public. That is what you have to be careful of.

Mr Bradley: Again, in the context of the fact that I personally—and I watch a lot of TVO programming—see no partisan bent in TVO, and the potential is always there for that to happen, particularly in public broadcasting—

Mr Ostry: Particularly if we get Inside Albany. Then we will be here every week.

Mr Bradley: The potential is certainly there in the right circumstances. That is why I asked that question. I have a concern that public networks, the CBC—I recognize it is in a different context than yours, but there are many similarities—and the BBC in Britain and TVO in Ontario, be without that partisan, philosophical bent that can enter into it if the board is full of people with one point of view or other, be it an ultraconservative, ultraliberal or ultrasocialist point of view.

Mr Ostry: But you would all prevent that, would you not, from happening?

Mr Bradley: We would certainly try. One of the responsibilities of this committee is to review all appointments. I will not go into the observations that those of us in the opposition have on that process, but I am sure all of us want that goal. I did ask that question out of context, because it is an extremely important role that TVO plays and perhaps I am getting on the record, as much as possible the hope that your successor 10 or 15 years from now, when that person is appointed, will reflect a non-partisan—I will not say non-political—approach to public broadcasting.

Mr Ostry: I certainly agree with that.

The Chair: Mr Ostry, thank you for your appearance here today along with your colleagues. We appreciate your testimony.

Mr Ostry: We appreciated the opportunity, Mr Chairman. We hope that of the things we have tried to draw your attention to, from our skills channel through to the support on the part of some of those who believe it should be supported, like la chaîne, and our base funding will be part of your deliberations when you come to make your recommendations.

The Chair: Members of the committee, if you will turn to your agendas, you will note that at this juncture we were to consider the report of the subcommittee on committee business. At the request of Mr Hayes, we are going to delay that consideration until tomorrow. Mr Hayes indicated that he wants to consult with his colleagues in respect to the report before we deal with it at open and full committee.

Mr McLean: We dealt with it this morning. We now have the report from the clerk. If he wants to add two names or three names to that list, could he do it now, being that we had our subcommittee meeting and that is over? This is the report from that subcommittee.

The Chair: It is a procedural question. I will have to refer to the clerk.

Mr McLean: I have no objections.

The Chair: I assume the other parties would have no objection. Under those circumstances we can do virtually anything.

Mr McLean: Okay.

The Chair: We are going to move into a closed session. Hansard can depart.

The committee continued in camera at 1602.

CONTENTS

Thursday 8 August 1991

| | |
|---|-------|
| Agency review: Ontario Educational Communications Authority | A-571 |
| Continued in camera | A-598 |

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Chair: Runciman, Robert W. (Leeds-Grenville PC)**Vice-Chair:** McLean, Allan K. (Simcoe East PC)

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A-34 1991



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Comité permanent des organismes gouvernementaux

Examen des organismes
gouvernementaux

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Table of Contents

Table of Contents for proceedings reported in this issue appears at the back, together with a list of committee members and other members taking part.

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Table des matières

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Friday 9 August 1991

The committee met at 1046 in committee room 1.

AGENCY REVIEW

Resuming consideration of the operations of certain agencies, boards and commissions.

EASTERN ONTARIO DEVELOPMENT CORP

The Chair: Come to order, please. I would like to welcome officials from the Eastern Ontario Development Corp this morning. Mr MacKinnon, would you like to introduce the other members with you for the purposes of the record?

Mr D. MacKinnon: I would like to introduce Margaret LaPierre, who is our acting chief financial officer; Gary Sullivan, who is our manager of corporate affairs; and Michael St Amant, who is the chief operating officer responsible for lending operations.

The Chair: You have a presentation. I understand you would like to make an opening statement.

Mr D. MacKinnon: Yes. We can do it one of two ways. We can do it either with the overhead transparencies or by following discussion notes. I thought it might be more economical of the committee's time if we used the discussion notes.

The Chair: Okay, fine. How long do you feel this will take?

Mr D. MacKinnon: I think in our previous discussions it was between 20 and 25 minutes, but I am entirely comfortable with any way in which you want to proceed. In particular, if you wish, we could take questions as we go through it.

The Chair: I think I would prefer to see you do the 20 minutes or so and then we can open it up and get on with questions after that.

Mr D. MacKinnon: Okay. The clerk is just handing out the discussion notes I am working from, but basically in our presentation this morning we wanted to try to achieve four things: First of all, to describe in general terms how the Eastern Ontario Development Corp operates; second, we wanted to outline its relationship with the other three development corporations; third, we wanted to describe the extensive corporate renewal program completed over the last few years; and fourth, we wanted to talk about some of the current issues that face the corporation and what we are doing about them.

I should say perhaps before I begin that we have tried to avoid in this presentation duplicating material you have in the green binders, so I am not going to go into too many quantitative figures, although obviously we are prepared to respond to them in terms of questioning later.

In terms of the operations of the corporation, the board of directors of the corporation meets monthly except in December, so it meets 11 times a year. It usually meets in

Toronto in conjunction with the three other development corporation boards because there are cross-appointees among them, but three or four times a year it does meet in eastern Ontario centres: Ottawa, Kingston and so on, I guess Brockville as well in the past year.

The general philosophy of this program, indeed of most of the development corporation's activities, is that the programs the corporations operate are described rather broadly and the government depends upon the judgement of individual business people, lawyers, accountants, academics and so on to make the precise transactional decisions about who gets a loan and who does not, and below certain levels the board supervises staff decisions of that kind.

The board generally is composed of people from those backgrounds and usually involves people with a great deal of business experience. So we feel that in terms of dealing with the kinds of technologies and enterprises that sometimes are most important for us, particularly those that are complex in a technological sense or in a financial sense, we have a variety of experience, a variety of backgrounds available on the board to help make those decisions.

From time to time the board also meets, aside from its monthly sessions, as a policy committee and examines the general evolution of the programming in relation to economic developments and events in Eastern Ontario.

Management is supervised directly by the EODC board under the bylaws of the corporation. As you will notice, the chief executive officer is required to report monthly, and that happens. But management is also supervised by the EODC representatives on the policy, audit, French-language and other committees that represent all four boards. I will come back to those committees in a moment.

In general, the staff specifically allocated to the EODC are located in the various eastern Ontario centres at various offices, but very important functions, particularly finance, legal, systems support and senior management, are provided from the development corporation's general office in Toronto. To ensure that the corporation's programs and activities are consistent with the government's policies, the chief executive officer is a member of the management committee of the Ministry of Industry, Trade and Technology. As well, much of the administrative support, particularly in areas such as personnel and budgeting, is provided by the ministry through a memorandum of understanding. I think a copy of that memorandum of understanding is also in the green binder.

In terms of the second issue I wanted to review, it involves the relationship between EODC and the other development corporations.

Four EODC board members are also appointed to the Ontario Development Corp board, and that again is designed to ensure that there is a reasonably good linkage between them.

There are two key committees of the ODC board which impact on all the others. One is the policy committee, which plans major group initiatives, examines transactions of unusual significance and generally co-ordinates administrative matters and standards. As well, there is the audit committee, which reviews the financial statements in detail. Our financial statements and program structure is unusually complex, partly because there are four boards, but partly also because of the nature of the activities we manage. The audit committee also examines bad loans or failed investments after the fact.

You might say, "After the fact?" What we are really trying to do in each of these cases, and they are extensively reviewed, is to identify lessons or problems that have developed in our activities that we should bear in mind for the future. Ideally, we think, and certainly our audit committee thinks, that we should be our most severe critics in cases where things do not work out as we intended and that anything that can be learned should be and should be factored back into decisions in the future. When the audit or the planning committee considers any particular matter, particularly if it is considering a difficult loan or investment from the east, then the members of the EODC board on the ODC board bring the decisions back to the EODC for whatever further consideration is required.

Finally, there are a variety of other subcommittees of the four boards which are convened as required. Two such committees currently active deal with French-language services and aboriginal affairs. Both subjects are of quite significant interest, not only in relation to current government policy but in relation to the board members themselves.

The corporate renewal program, which is the third item, I hope I can perhaps focus the bulk of my comments upon, because in part it relates to past history with this committee. The major activity at the development corporations and in the EODC over the last three or four years has been what I would call a top to bottom reconstruction. That arose from really three sources. The pressures to do that arose from three sources.

One is that in 1986 the Provincial Auditor issued a report that was highly critical of the internal administration of the development corporations, and so it was clearly necessary to fix that and to deal with the issues he raised at that time.

Second, as you will certainly remember, Mr Chairman, we inherited another provincial agency called the IDEA Corp, which was deeply troubled in different ways, and we were able to learn a great deal from that experience.

Third, and I have not mentioned it in my notes, there was a set of hearings of this committee in, I believe, the fall of 1987 at which the committee made about a dozen recommendations, as I recall, and we have implemented I think more than half of those. Of course, I would be quite prepared in questioning to deal with the half we have implemented, but also perhaps, if you wish, to explore the ones we did not implement and explain why. In any event, in I think early 1988 this committee, as it was then constituted, submitted its report, which came to us and formed a part of the decision-making which led to the renewal program I am about to describe.

The first item on the renewal program was a complete organizational restructuring. The Provincial Auditor had made the point in his report that we had a most unusual method of lending to people, that one group of people made the loan up front or one official of the corporation was responsible for presenting the loan to the board, which then made it, another group administered the loans, and another group did all the legal and other work associated with actually disbursing funds to them. The result was that the customer had to deal with three different groups. Of course, anybody who knows how bureaucracies work would predict the result of three different people all dealing with the same customer, and that is, there was confusion, there were paper wars and there was a great loss of productivity.

So we felt it was necessary to move towards a system whereby an individual in the corporation was responsible for the initial research connected with the loan, presenting it to the board, administering it once the loan was made and ensuring that all the legal and other services necessary were there when the loan was actually disbursed. That is, of course, conventional in most financial institutions, but for us that was a wrenching change. But that change has been accomplished. Now individual staff members of the corporation are responsible for loans from the day they are started until the day the loan is discharged, by whatever means it ultimately is discharged.

The second item is the computerized loan accounting and administration system. Our system in 1986-87 was paper-based. If you think back to a chartered bank branch about 25 years ago, you would get a good picture of what one of our offices looked like: paper everywhere, files everywhere, great difficulty in getting information when you needed it and a substantially reduced capability to develop new products. So we have implemented a new computerized loan accounting and administration system, and there are a few aspects of it that we are still administering, still placing in our regional offices as I talk, but basically that system is now operational and has been operating as an accounting system for over a year.

We also introduced senior management. Each of my three colleagues with me are relatively new to their current positions, and we also brought in several other people and made major changes to our senior management team.

Fourth, there was significant change in terms of the budgeting of programs. A long real decline in the level of funds allocated to programs was arrested in 1987-88. The general trend, in terms of the allocation of funds, has been increasing normally with inflation and with the economic demand ever since.

The other additional changes included significant new programming, and here perhaps I could describe two of our particularly important initiatives. One is the Innovation Ontario Corp, which provides seed equity capital to start up businesses. Some of you may have noticed a reference to the corporation in this morning's Toronto Star. It has operated for four or five years. It now provides 80% of all the institutional seed equity capital available to enterprises in Ontario and I think it is an important initiative for firms that are starting up in technologically intensive areas of industry.

Our New Ventures program is a major partnership with the Canadian chartered banks by which they actually make small loans to start up enterprises. This method of delivering allows us to avoid administrative costs, and we generally set the policy which the banks follow in actually making these loans. This program has been very successful and is today the only program that has ever been recommended to all provinces in Canada by the Canadian Federation of Independent Business. It is not only the only program they have ever recommended, but it is the only one they have ever recommended to all other provinces. We are quite pleased with it, as are the banks, because it essentially allows banks to stay and make small business loans to start up enterprises, which they normally could not afford, because it is impossible to make money on loans that small.

The government also decided on enhanced supervisory responsibilities for the board of directors, and that also has been accomplished, and I have described in particular the functions of the audit committee. Now the chairmen of the boards meet regularly with the minister. There is a very detailed set of linkages designed to ensure that the relationship with government policy is both close and developed, and the board is also broadening its supervisory responsibility in relation to management.

We have as well implemented a variety of steps to ensure much greater financial disclosure. We refer you to page 26 of the annual report in your green binders to indicate perhaps the principle of these initiatives; that is, the development corporations not only operate programs themselves, but they operate programs and activities for a variety of other ministries of the government. These are what we call our agency activities. Previously, they had never been publicly disclosed in any form until 1988 or so. On page 26 we describe those agency activities along with those we operate in our own name. You will see that the total of the two combined is approximately \$1 billion. Of course, if you wish, we can get into that material rather more deeply.

1100

We have also embarked on a major program to decentralize our staff. Before we made all these changes, the bulk of our staff were located at the head office in Toronto. There were a few regional offices, but they were thinly staffed. We have now moved nearly all of the people who deal directly with the customer out of Toronto. We have also moved many of our backroom support functions out to Mississauga, to reduce our presence in the downtown core. But the more important aspect of it is the decentralization of staff to our regional offices around Ontario. That process of decentralization was accomplished last year.

There are a number of other steps I have summarized greatly. For example, of our 200 major accounting policies I think, as I recall, 197 needed to be updated, and there were literally a great variety of other housekeeping steps to be taken. The quantitative results I can show you in terms of loan losses, but also in terms of things like loan arrears, have been very good. For example, the arrears rate in the portfolio has fallen from about 42% in the middle of 1987 to well below 5% today. In fact, I think it is 1.6%, in the

realm of 2%. So this program has now been completed, but also enough time has elapsed to demonstrate that it has had a very beneficial impact on our internal administration and efficiency.

Fourth, as indicated, I would like to talk briefly—and I will try to be very brief, Mr Chairman, in keeping with your time limits—in terms of the issues that are now facing us, and causing us the greatest concern. Of course, the foremost of those is the industrial recession which has gripped Ontario for the last year or 18 months. The recession started to affect our operations somewhat earlier because of the high-risk nature of our lending activities. We have responded, and the government of course has responded, to the recession with two new initiatives: the manufacturing recovery program, which my colleague, Mr St Amant, can talk to if necessary, and also with the enhanced budgeting and the larger transactions for Innovation Ontario. We have, of course, continued to rely on our core lending programs. We have tried to accommodate them to the demands of situations that are more restructuring of enterprises than new projects, although we have continued, even throughout the recession, to see interesting new projects come before us. But adaptation of the existing programs, the development of the manufacturing recovery program, enhanced Innovation Ontario, and the accommodation of greater volumes overall have been the basic methods by which we have accommodated ourselves to the industrial recession.

Partly because of the history as I have summarized in the early to mid-1980s, we have also been very conscious of the need to improve our relations with our customers, and to broaden our reach into certain aspects of the community. We have greatly enhanced our French-language service capability, particularly in eastern Ontario, and Mr St Amant again can describe that in detail. We have also, as I have mentioned, accommodated the decentralization initiatives. That has been very positive in terms of customers being able to deal with our officials in or near the communities in which they live. The organizational changes have also made it easier for customers.

We also have done some other things. In our Northam industrial park in Cobourg, for example, we have been involved with the community in placing a day care centre on the park, and that has given us much food for thought in terms of industrial day care and how it can operate. We have also been quite active, and have made a number of programming suggestions, to the aboriginal affairs group. We have a board committee which is considering methods by which our programming can be made more accessible to the very significant aboriginal population in eastern Ontario but also, of course, northern Ontario. Finally, some of our new programs have a particularly beneficial impact in terms of their gender takeup. About one third of the New Ventures loans mentioned in my earlier description of that program have gone to female entrepreneurs. That is an extraordinarily high rate for any industrial support program.

In eastern Ontario, but also in any other part of the province, particularly where it is adjacent to the United States border, we face significant competition from other jurisdictions. We are getting letters from our customers

about the extent to which American states are devoting attention to them and so on. What we try to do, of course, is respond with the new programs I mentioned, but also with an effort to try to sell our programs in a way that makes them more attractive to entrepreneurs who may be tempted to look elsewhere.

We continue to face, of course, one of the major issues for Ontario, now and in the foreseeable future: how we can develop more technology-intensive enterprises. We have been particularly active in that area. Innovation Ontario Corp, as I mentioned, with its equity capital operation, has about 27.5% of all its investments in eastern Ontario, which is a very high percentage. Many of them are in very exciting sectors. Perhaps I can just read a few of the products to give you a flavour of them. There is software security; computer-assisted learning software; composite material energy density analysers; solid-state-controlled ball-pitching machines for baseball practice; vision machines for industrial application; airborne remote sensing acoustical instruments; and so on. There are 53 such Innovation Ontario investments in eastern Ontario and the list of products is very interesting in what is going to come in terms of technology development in future years.

We have also of course, again, maintained our long-standing programs, particularly our export support loan program, to deal with technology in eastern Ontario. It is not commonly known, but nearly all of the important technology enterprises in Kanata and in the Ottawa area, including some of the biggest such as Mitel, Lumonics, Gandalf, etc, all had EODC loans in the very early stages of their development. Indeed, one of our current staff members made the first commercial loan to Mitel, and he describes the operation as being one that could fit in this room at the time he first came in contact with it. So we have a history and we continue to use our existing programs to build on it.

Finally, we continue to be worried and to focus, if I can put it that way, on our internal efficiency and in particular our technology. In the lending and investment business, you are only as good as the information you have. If you do not have good information systems you cannot really do the job well. We operate and our customers operate in a world in which six weeks can be a very long time. So one of our continuing problems is not only how do we get up to date, but how do we maintain ourselves in terms of making sure our technology and managerial practices are comparable to those that exist outside in the private sector and that give us some standing with our customer base.

The renewal program I described earlier was very extensive, but I have little doubt that having completed it, we will now have to embark on another cycle of change to keep ourselves current in the years to come.

That really constitutes the bulk of my presentation. I think it has taken 22 minutes, but it gives you an overview of how we operate and what it is that we are trying to achieve, along with, of course, the quantitative documents. Over the last few years, during a very difficult time in the evolution of the organization, we have had much support from our board, from the central agencies of the government, from others, and we think we are reasonably well

positioned to move on in future years. I do not want to give any impression that satisfaction with completion of the renewal program is giving rise to any complacency. It is certainly not.

1110

The Chair: In terms of your timing, you are much closer to the time estimate than the chairman who appeared before us yesterday, Mr Ostry. He was significantly off, if that makes you feel a little better.

Before we get into questions—and we have at least three members who have now indicated they want to ask questions—I just wanted to express a personal concern about the fact that there is apparently no one here who serves on the board of the EODC. I find it passing strange that we could not find one, with the notice given, who could find the opportunity to appear here as well as officials from the EODC.

Mr D. MacKinnon: I can say that the substance of our remarks and materials have been reviewed in detail by the chairman of that board. Our past practice has been that generally these presentations have been made by management. I think on a previous occasion one of our board members or our acting board chairman happened to be in town. This was on the 1987 occasions and he was here, but he did not contribute to the presentation. I feel certain that the fact that no member of the board is here is more a continuation of that past practice. I do assure you that the chairman of the eastern Ontario board has been heavily involved in all the materials you have before you and that I have summarized. He is certainly on side with the comments I have made and would be ready on any occasion you considered appropriate to respond to any issues that arise from this hearing.

The Chair: That does not allay my concern. In fact, I think it would have been helpful to the committee—that is a personal observation—to have someone here who serves in a volunteer capacity, essentially a volunteer, because their per diems are certainly not significant.

Mr McGuinty: You will notice that the draft financial statement for the year ending March 31, 1991, shows at note 7, relating to administration, salaries and benefits. It shows that in 1990 these cost \$564,000; for 1991 it was \$784,000. A rough calculation shows that to be a 39% increase over one year. How do you account for that?

Mr D. MacKinnon: Maybe I can make a general comment in response and then perhaps ask Mrs LaPierre to respond in detail. Basically, the salaries of all our employees, with the exception of contract people—we are all classified public servants of the province of Ontario. So the increases in salaries and benefits, to the extent that they have taken place, are in line with the overall increases awarded to classified public servants in Ontario. Margaret, do you have any additional comment?

Mrs LaPierre: If you could just give me a moment, I want to verify something else. There was an increase in staff in the eastern region in the time frame in question. I am just trying to confirm the exact number. But just to reiterate Mr MacKinnon's comments, the salary increases for all the staff who are listed here are under the terms and

conditions as laid down by government. So the only logical reason would be an increase in staff. I will just find the number for you, if you wish to continue.

Mr McGuinty: All right. I just note that it also indicates under the same note that the remuneration for directors actually dropped from 1990 to 1991. So that substantial increase would have to be accounted for by either a substantial increase in staff or something else that we are missing here.

Mr D. MacKinnon: I can assure you it is not increases to staff.

Mr McGuinty: Why do we not just leave you with that and we will come back to it later. What would the salary of the chief executive officer be?

Mr D. MacKinnon: My current salary would be in the realm of \$115,000 annually.

Mr McGuinty: The number of directors in EODC is 10?

Mr D. MacKinnon: I think under the act there are 14; 14 members of the board maximum under the Development Corporations Act. At any given point in time, it varies.

Mr McGuinty: I am just wondering why it is that the enabling legislation provides for a maximum of 14 and we seem to have kept it at 10. Any particular reason?

Mr D. MacKinnon: I could ask my colleague, Mr Sullivan. It does vary. It really depends on any given point in time. Sometimes the terms of people on the board are overlapping and sometimes there are extensive intervals between someone leaving and someone being reappointed. Normally, however, the number of people present on the board is much closer to the maximum. Gary, do you have any comment on that?

Mr Sullivan: At the present time there are nine vacancies on four boards. There are two vacancies on the ODC board, two other vacancies on the Northern Ontario Development Corporation board, and Innovations Ontario has one. It is not unusual; in fact, I do not recall a time when every board was at its maximum.

Mr McGuinty: Is there some kind of a general rule or principle that you attempt to achieve the maximum?

Mr D. MacKinnon: Mr McGuinty, these appointments are normally made by the Premier's office in consultation with the minister and his staff. Normally our advice is not sought and given on these matters, except sometimes in terms of the particular skill mix which we need at any given point in time. But the overall numbers and the actual number on a board at any given time is not really under our control or influence to any significant degree.

Mr McGuinty: Let me take advantage of your presence here, then, and seek your advice on that. For instance, you have 10 on the EODC right now. Is that satisfactory? Could you use more? Is that too many?

Mr D. MacKinnon: In my opinion, the EODC board at the present time certainly has the appropriate mix of skills needed for our smooth operation. Obviously, to the extent to which one broadens that skill base, we are better equipped to deal with things that we may not now foresee.

But I would say, at the moment it is operating efficiently and normally.

Mr McGuinty: For the EODC, I see there were seven meetings held. Does a meeting normally take a maximum of one day?

Mr D. MacKinnon: I believe there were 11 meetings held.

Mr Sullivan: No. This is for this year. Actually, including the meeting that was held last month, there have been eight meetings held this year.

Mr D. MacKinnon: Yes, they normally take at least half a day, sometimes spill into the second half of the day and usually involve a variety of other meetings of the committees that co-ordinate with all the other development corporations as well.

Mr McGuinty: I note the bylaws provide that if there is agreement by the majority of directors in attendance at a meeting, they can deem another director who is not present, to be present and to assist at the meeting by way of telephone. Does that ever take place?

Mr D. MacKinnon: They cannot deem without his or her permission.

Mr McGuinty: Exactly, yes.

Mr D. MacKinnon: Yes. It is a very unusual practice. It is very rarely employed, but that provision is in the bylaws. There is a whole series of detailed provisions in the bylaws that cover the operation of the boards; but I think it is fair to say that several, like that one, are designed to accommodate urgent decisions. It is not uncommon for us to have to make a decision in a 24-hour cycle. So we really do have to be able to convene a meeting by telephone if necessary.

Mr McGuinty: Would it be possible, then, to attend a meeting by way of telephone and be paid the per diem?

Mr D. MacKinnon: Mr McGuinty, the number of occasions on which that has happened is so infrequent that I do not know what has happened in terms of the payment of the per diem. However, I very much doubt that it would be paid.

Mr McGuinty: I just note that the bylaw specifically says "will be deemed to be present."

Mr Sullivan: To my knowledge, the per diems are prepared by my staff. I do not recall any time when we paid a per diem for an individual who was not there.

Mr McGuinty: I note that the majority of the meetings for the EODC are held in Toronto. Would not the majority of directors be in eastern Ontario?

Mr D. MacKinnon: The reason for that, Mr McGuinty, again, is because of the variety of committees co-ordinating with the rest of the corporate group and because of the overlapping provisions of the statute. The statute provides that there will be people from EODC and NODC and from Innovations Ontario appointed to the ODC board. Clearly, it is very difficult to have that work efficiently unless they are meeting together in some central location.

As I mentioned in my comments, they do meet from time to time in other parts of the province, and we do make

the logistical and cost sacrifices necessary to accommodate that. They all live in that region, so they are bringing their experience in the region to the board's decisions, and that is regardless of the actual location of the meetings.

Mr McGuinty: Do you feel that the most cost-effective way to do it is to continue to operate on the same basis, and to have the majority of the meetings in Toronto?

1120

Mr D. MacKinnon: I feel that the logistical necessities made necessary by the overlapping appointments under the act make that the least costly and the most effective way of operating, yes.

Mr McGuinty: Is it possible for one director to sit on the ODC, the EODC and the NODC?

Mr Sullivan: To my knowledge, no, that has not happened. If you wish, I could circulate the cross-appointments that are in place now among the four boards. Right now, for example, the chairman of the EODC board, Jean-Claude Gélinas, together with Zdenek J. Kvarda, Ivy Hooper and Roger Legaré, who are also on the eastern board, also sit on the ODC board. There are no other individuals on the EODC board who sit on any of the other boards.

Mr D. MacKinnon: These people, as I think the chairman noted, generally serve in a volunteer capacity or close to it. I mean, membership on any of these boards will not make anybody rich. We find we have to be quite careful to be economical with their time. If you are appointed as, say, a chairman of the Eastern Ontario Development Corp or the ODC board, you can expect to spend several days a month on our business. We try to keep that down to a minimum, but I think the very minimum that any member of any of our four boards would spend on our business in the course of a month would be two days; and the maximum would be, for the chairman of the ODC board, probably more like a week.

Mr Sullivan: May I just add to that? When the chairman of the eastern board visits the Ottawa office, which is on a regular basis, he is not paid a per diem. He does not even claim expenses. The only time a per diem is provided is if there is a formal board meeting. So, in fact, the chairman, since he lives in the region, in Hawkesbury, and does business in Ottawa, regularly drops in at the office. The expense accounts go through me, and he has never claimed any travel for those meetings or a per diem.

Mr McGuinty: Your point, Mr MacKinnon, about the directors being close to volunteers, is well taken. Is there any potential for conflict if we have a director on one of the boards sitting on another of the boards? Are they ever in positions where voting in favour of funding of a particular venture might somehow impact on their home jurisdiction, so to speak?

Mr D. MacKinnon: There have been one or two such occasions, but again, they are extremely rare. If I can perhaps generalize from your point, there is a real risk of conflict of interest generally in many aspects of our operations. We do have a conflict-of-interest set of guidelines which the board itself adopted, and which are considerably stricter than those that apply to most other parts of the

government under the Manual of Administration. We can certainly provide those.

I do not think that specific type of conflict of interest is a real problem. On the one or two occasions when there have been such cases they have been recognized by the person concerned, and he or she has absented himself or herself from the room. But the issue of conflict of interest generally is one that we have to constantly keep before us, and we are very draconian. If you wish, I could certainly provide you with the internal policy, which is very rigorous and rigorously enforced.

Mr McGuinty: I would appreciate it if you would file that with the committee.

Mr D. MacKinnon: Sure.

Mr McGuinty: I have one final question along this line. I note also that the bylaws advert to the possibility that a director can also be an employee. Has that ever happened that you have one person holding both the office and the position as an employee?

Mr D. MacKinnon: I believe that specific provision applies only to the chief executive officer. I think, under the act, it only applies to that one position.

Mr McGuinty: I am just looking at page 15 of the bylaw, subsection—

Mr D. MacKinnon: I was just going from memory. I will refresh myself, if I may, but I believe that it does only apply to—

Mr McGuinty: It is the section dealing with remuneration of directors, officers and employees and it says: "Payment shall be in addition to the salary paid to any officer who is an employee, who is also a director."

Mr D. MacKinnon: There is only one officer who could conceivably become a director of the corporation under the provisions of the act and the bylaws and all the other apparatus, and that is the chief executive officer; but that has never happened. In recent years, there has never been a case where an officer of the corporation has also been a director of the corporation.

Mr McGuinty: Mr Chair, I will leave it at that, then, if I might just indicate that I would appreciate receiving a response regarding my first question dealing with the increase.

Mr D. MacKinnon: I think we do have a response now, Mr McGuinty.

Mr McGuinty: All right, fine.

Mr D. MacKinnon: Our staffing increased over the years. It was not a net increase in the corporate group, it was the decentralization program I mentioned. Our staffing increased by a third between 1988 and 1991 in the eastern area.

Mr McGuinty: My concern, Mr MacKinnon, with respect, is that just from 1990 to 1991 there was a 39% increase.

Mr D. MacKinnon: It was, in fact, constant. It increased from a total of nine staff allocated to the eastern offices in 1990 to 12 in 1991. So there was a one-third increase over the base of nine in that period, which would account for the bulk.

Mr McGuinty: Sorry, what period is that again?

Mr D. MacKinnon: That is 1991 over 1990. A third of it would be staff. The other few percentage points would be salary adjustments in line with the rest of the public service.

Mr McGuinty: Three more staff then? Is that what we are talking about, basically, three more full-time staff?

Mr D. MacKinnon: Yes.

Mr Villeneuve: The EODC, I think, has done a reasonable job in eastern Ontario, but I am going to be speaking primarily from the clients' point of view. Could you walk me through? Any time I have contacted the ODC, it is, "If it's not secondary manufacturing, it doesn't qualify, I am sorry," and they hang up on you. It is a little bit frustrating.

I see there are some loans here, and under the New Ventures, I believe, you have set up new businesses and there is some tourist involvement. I believe there are three of your borrowers in the jurisdiction that I represent. I do not know whether that means a great deal or not.

Could you walk me through? I decide that I am going to seek assistance from you. Do I go to one of your consultants? Does he come to me? How do you break the ice and could you just walk me through that initial process?

Mr D. MacKinnon: Perhaps I could ask my colleague, Mr St Amant, who runs all the decentralized lending offices, to answer, if that is agreeable.

Mr St Amant: The entry point, I guess, is what you are looking for. Basically, it comes in three ways. The first and probably most common practice is that the individual would be aware that there is an ODC office in the area. Usually he would call to arrange an appointment with a consultant, and generally the consultant, if it is a manufacturing type of enterprise, would probably want to go and visit the client at the plant. A lot of our time, for instance in the Cornwall area, the initial contact is for us to go to them, in terms of on-site locations.

The second form of contact is generally a referral. That comes either through a financial institution, chartered accountants or lawyers, and it takes two forms. One is a referral to the client to call us, but more commonly it is a referral to us to call a client; and generally we follow up on those fairly quickly.

The third form of contact is basically generated through the Ministry of Industry, Trade and Technology field network whose consultants are out trying to assist people and advising them of the various types of programs available. There is generally a good working relationship, certainly in eastern Ontario, between the MITT field personnel and the Ontario Development Corp personnel.

Mr Villeneuve: I see your interest rate varies from 0% to 12.5% in the document that we have. How do you arrive at that?

1130

Mr St Amant: Generally, the rate we are charged is based on what it costs Treasury to borrow the money; we have a formula that is in existence where we apply our standard rate and it is based on Treasury's cost of borrowing money. In terms of certain instances where there was a

merit or an incentive type of relationship, the rate may have been slightly varied downwards, but generally the rates are attached to the borrowing rate from Treasury.

Mr Villeneuve: I go back to secondary manufacturing. Somehow there seems to be a mindset that unless you are in secondary manufacturing, you do not have a lot of time spent by your representatives. You are either in or you are out. There is a phone call made and I find in many instances, "I'm sorry, but you don't qualify," is the answer.

Eastern Ontario does some secondary manufacturing, but not an awful lot. We have many people who have, I believe, good projects, but through EODC they are told, "It's been nice to know you, but you don't qualify."

Mr St Amant: We have certainly taken a great deal of effort in the last couple of years to refocus our thinking. Basically, the EODC existed to provide financing, and most of the programs provide financing, to secondary manufacturing.

We have certainly taken a broader view of how we have been interpreting secondary manufacturing. As an example, EODC has assisted a number of software-related companies in terms of trying to finance exports or assisting them with marketing their products. In addition to that, we work very closely with Innovation Ontario Corp and they have a broader mandate in terms of technology-related industries that they can provide assistance to, and we do help a lot of tourism ventures.

Engineering firms and farmers, basically, are a bit awkward to help, because they are not in the traditional vein of where we lend money. But I would argue that over the past couple of years we have taken a much broader approach to helping industries, certainly in eastern Ontario.

Mr D. MacKinnon: If I could just make a supplementary comment, Mr St Amant is correct, we have taken a broader view, but I think the thrust of your observation is correct, that we have been focused to a very significant degree on manufacturing and on tourism, but there are a couple of reasons.

One is that when government financing programs venture into things like the retail sector, if you start assisting one person in a community, for example to run a certain form of retail business, then that comes at a direct cost to a competitor down the road who may be selling, say, women's clothing as well. So there is a high element if you get beyond sectors like manufacturing and tourism of robbing Peter to pay Paul in any financial assistance government might provide. That is the first reason for that focus.

The second is, generally, we place a high premium and all governments of Ontario to my knowledge have placed a very high premium on exports, for reasons that I do not think I need to elaborate, and mostly it is goods that are exported, although increasingly services are, but overwhelmingly world trade in goods would be a multiple perhaps 10 or 12 times of trade in services.

So Mr St Amant is correct that we have broadened our view, but I think the fundamental focus on manufacturing for government assistance does make sound sense. The major exception is our New Ventures program and it is, of course, open to all. It operates through the banking system

and we depend to a significant degree on our own staff and on the banking staff to try to minimize the competitive risk component. That has been successful and we have avoided many of those problems.

Finally, there is also funding availability. If we were to move beyond our existing core activities we would need greatly enhanced funding activity, and I have not seen much evidence that is available.

Mr Villeneuve: On New Ventures, would you be primarily a guarantor as opposed to a lender?

Mr D. MacKinnon: We are the guarantor.

Mr Villeneuve: One experience we had not many months ago, in the riding I represent, is that the ground-work, homework, was all done, I think very efficiently, but it took about a month and a half to get a minister's signature. Your experts, I would very respectfully submit, had done their work. Can you not proceed with a loan without having a certain minister, who may or may not be available, sign a document? I found that rather bizarre.

Mr D. MacKinnon: Mr Villeneuve, I am pleased to indicate that in December 1990, the ceiling of our loans that require government approval was lifted to \$1 million from the previous \$250,000, so that makes it a whole lot easier to deal with that.

However, if, for example, a big loan comes up, say, the day after our board meets, then it will, in all probability, unless it is an emergency, be another 28 or 29 days before the board meets again to consider the loan. So the existence of our supervisory structure does impose certain limits on the times we can actually achieve.

Mr Villeneuve: I had spoken to J. C. Gélinas and Mr Burke and everything was done. It was rather unfortunate that the time element—there was wasted time.

One final question: Give me an idea as to what your arrears situation is with EODC. How is the viability, the write-off situation? I did not have a chance to look at your annual report.

Mr D. MacKinnon: On the chance that you might ask that question, I have left with Mr Arnott a brief summary of our loan losses and recoveries. Maybe I can run through it with you.

In recent years, our loan losses as a percentage of total loans receivable has varied from 4.21% in 1987, to 6.19% in 1988, to 5.29% in 1989, to 3.13% in 1990, and up to 4.97% in 1991. Those figures, I should say, reflect many of our administrative changes, so they are not totally a reflection of what is going on in the economy. We are busy changing our systems for accounting and so on, and part of that is reflected in here. But that is the recent experience with loan losses.

We also have write-offs from loans written off. But generally, I would say that the 5% level is kind of a benchmark; 5% of the portfolio per year, or less, gets written off. If it rises significantly above that figure, we would have to view that with some concern. Equally if it fell very significantly below, it may mean that we are being too tight. As you can see, in 1990 the figure was low, but we are clearly feeling the recession in 1991 in that we are now operating probably at a full two percentage points higher than we

were in the early part of 1990. But I think that is in line with what one would expect.

Mr Villeneuve: As I read the profile that you now have, no one compares you with the Federal Business Development Bank because I think FBDB is more or less a place of last resort.

Mr D. MacKinnon: I can comment briefly, and then I will ask Mr St Amant to comment on that, if I may.

We do compare ourselves informally to other financial institutions, and perhaps, to set this figure in context, if you were running a schedule 1 chartered bank, you would write off between 0.75 of 1% and 1.25 of 1% of your loan portfolio per year.

Mr Villeneuve: Domestic?

1140

Mr D. MacKinnon: No, that is overall. If you went above the 1.25 of 1%, running that kind of bank, you would be in significant difficulty, you would be facing a situation that you do not want to face. I can give you the numbers. Very basically, if a major schedule 1 chartered bank increases its loan losses by an amount equivalent to 1% of its loans outstanding, it wipes out its profit. That is how finely tuned the mathematics are. There is a variety of term lenders. RoyNat would be, I think, in the realm of 2% to 3%. The FBDB would be perhaps a little higher. We are in fact on the high end of the range that you would get and we are operating at between four and five times the write-off levels of a major mainline bank in normal times. I hope that sets the context a bit.

Mr Villeneuve: I think you have pretty well answered my question. Thank you. Mr Chair, I will relinquish to my colleagues.

Mrs MacKinnon: Thank you very much for coming and giving us your presentation. I want to state that I have never met you before, Mr MacKinnon, but I have met a lot of MacKinnons since I got elected. It is amazing, we must be good stock.

I am going to try to give you a scenario of a particular incident I have been involved in so that perhaps you can help me. If you have answered this question to Mr Villeneuve, forgive me, because I did get a little bit distracted. I had a constituent come to me. They have a viable manufacturing situation, and it has been doing very well. But the plant needs upgrading, and this will help the expansion because it will benefit the packaging, etc. If I am not being clear, forgive me, because I am neither a banker nor a manufacturer.

These people, by the way, have done everything on their own. They have not had to borrow one dime, but now they need some help. Is the type of lending business that any of the Ontario development corporations are involved in going to help them upgrade? Do you have the consultants to go and—I know I am bumbling around here—help them develop, not only on a financial basis, but to develop the necessary equipment to upgrade that particular industry?

Mr St Amant: That would be the sort of loan we ideally look for, lending for equipment. We take security on the equipment and basically that is what we are best at.

In terms of the type of assistance, we have been of late working very closely with a broad range or number of companies where we have engaged consultants to go into the businesses to draw up strategies and production plans that help the companies to become more efficient, because one of the key challenges we are facing right now is to try to get our companies more competitive. Internally, we do not always have the manufacturing expertise required to assist somebody. But we have gone outside and brought that expertise in to advise us and the company as to what needs to be done.

Mrs MacKinnon: I can gather from what you say that it is not just eastern Ontario. It is the Ontario Development Corporation and whatever covers southwestern Ontario. I guess that is the Ontario Development Corporation as well, is it?

Mr St Amant: We have 18 offices across the province, including EODC.

Mrs MacKinnon: So I can be quite sure of my facts if I write a letter to my constituent and say: "Please go to see the Ontario Development Corporation. They will be happy to try to talk to you and see what can be done from there."

Mr St Amant: We would certainly be glad to talk to them and see what we can do.

Mrs MacKinnon: That is what I mean. I want to have some comfort myself that I am sending this person to where they would get advice. If not money, they would get advice.

Mr St Amant: Certainly.

Mrs MacKinnon: In the event that they need some help in getting new equipment, do you have expertise to help them find the place or the people to build this equipment, or is this something they will have to do on their own, or will I have to do it?

Mr St Amant: No. Generally, if they are in the industry they would know how to get the equipment. That is not usually the problem. The problem is usually in working out a satisfactory financial relationship with the suppliers of the equipment. I would think, if they are as sophisticated as you have implied, they would probably know where to get the equipment. The issue would be, can we package something to be able to finance bringing that equipment in?

Mrs MacKinnon: That is what I looking for, thank you.

The Chair: Mr MacKinnon, I would like to ask you a couple of quick questions myself. Looking at the figures prepared by our researcher and the indication—I do not know if you have that document—taken from your annual report indicating that the total amount of loans and guarantees authorized in 1989-90 for EODC was \$29 million and change—big change for most of us—and in looking at table 3 for NODC it is almost \$110 million, that is a pretty significant difference there between the north and the east. I am wondering if you can explain why that has occurred.

Mr D. MacKinnon: What page are you on, Mr Chairman?

The Chair: I am on number 10. I am looking at numbers 9 and 10, table 3 and table 4.

Mr D. MacKinnon: I will ask Mr St Amant to go back into it in some detail, but as I mentioned, we run the two types of programs, the ones that we run ourselves directly, without involvement of any other ministry, and then the others that we operate on behalf of the other ministries and agencies of the government. At the moment, I think there are 13 or 14 ministries and agencies for whom we act as the agent in the delivery of these kinds of programs. So the total amount on that table reflects both.

In terms of the NODC, is it true that historically, in relation to both the southern and eastern Ontario, our presence in northern Ontario is quite high, partly because we are backstopping all the government programming aimed at commercial development in that area of the province. Frank, do you have any supplementary observations to make?

Mr St Amant: I think that is the thrust of the answer, Mr Chairman, that the agency activities the corporation manages on behalf of the Nordev heritage program get incorporated into the larger number of funds available in northern Ontario.

The Chair: You are saying we are comparing apples and oranges here, or would it be a fair conclusion to say that the east is getting the short end of the deal?

Mr D. MacKinnon: In general over the years, historically the economic conditions, unemployment rates, personal income levels and so on have been the reason governments have focused a large part of the programming on the north. In fact, in the last couple of years, a lot of those figures are changing rapidly. Many of the municipalities with the highest level of unemployment and the greatest difficulty in terms of personal income are now in southwestern Ontario.

The Chair: Before we move on to Mr Ruprecht—I represent an eastern riding, Mr Ruprecht, so I hope you will appreciate my getting a couple of questions in here as well.

Mr Ruprecht: Of course, Mr Chairman. We always appreciate your comments anyway.

The Chair: I still have some discomfort with that whole business about such a significant difference in respect to the north and the east, in any event.

I have some questions about the boundaries that are described in the Development Corporations Act. What county is the city of Peterborough in? If it is not in one of the counties that is represented in your act, I am wondering why you have an Eastern Ontario Development Corp office in a municipality that is not covered by the act.

Mr D. MacKinnon: We do have maps of the exact boundaries.

The Chair: It is outlined in the Development Corporations Act, clause 1(1)(c) of the act, and it mentions specifically the counties of Hastings, Prince Edward, etc. But I note that you have an office in Peterborough and I am just curious. That does not seem to fit in with the—

1150

Mr St Amant: The boundaries are tied to the Ministry of Industry, Trade and Technology boundaries, I believe. Where they define eastern Ontario starts is basically where

our borderline has traditionally been in terms of servicing: anything east of Oshawa, I guess.

The Chair: Obviously you are in conflict with the Development Corporations Act, then, which outlines your boundaries.

Mr St Amant: Is your suggestion that we shut down the Peterborough office, or get the act—

The Chair: No. My suggestion is, if you are representing eastern Ontario, you should have your office in the eastern Ontario boundaries as outlined in the act. If it is an eastern Ontario office, why is it outside the area outlined in the act as your area of responsibility?

Mr D. MacKinnon: I guess I do not know. I do not have a copy of the act in front of me. I do not know what the answer to that is at the moment. If you just give me a moment, I will look it up.

The Chair: While you are looking that up, Mr MacKinnon, it was interesting to note that you have two industrial parks that are the responsibility of the corporation. I was not aware of that. The one that you say is in eastern Ontario is in Cobourg. I assume that comes under Hastings county. I do not know; maybe it does. I do not think it does come into Hastings, does it? I am looking for some direction here as well. It seems to me, if Cobourg is an industrial park for eastern Ontario it should be in eastern Ontario. But again, I would like to have an answer in respect to that.

Mr D. MacKinnon: The answer to your first question rests with the second clause of section 1, which allows the Lieutenant Governor in Council to designate such areas in addition to those described in section 1 as being designated areas within the boundaries. So I think the answer is that from time to time there have been changes to the boundaries in accordance with the second clause of section 1.

The Chair: Cabinet has expanded those boundaries over the years.

Mr D. MacKinnon: It has changed them. It has certainly changed them from time to time. My sense of it is that in the last 10 years there would have been two or three changes.

The Chair: I remember one specifically which I was very uncomfortable with and went into the Durham area, as a matter of fact. It is this whole question of every ministry and, perhaps, every agency of government having a different definition of eastern Ontario or other regions of the province as well. Again, I have a concern about the pie only being so big. If you define eastern Ontario as running into the Durham area, that gives me some difficulty.

Mr D. MacKinnon: On the second part of your question, the industrial park: We sometimes have decisions to be made as to how we supervise particular activities. The reason that the industrial park in Cobourg is run centrally is because, of course, we have other real estate assets, and you have to have the same kind of skills brought to bear on the management of an industrial park, whether it is in Cobourg or Huron Park or, indeed, Mississauga or wherever. But the eastern Ontario board does take a great interest in that park, has met on it, has toured it, and several of its

board members, whenever they go by, to and from Toronto, do drop in. They take a very close interest in it, even if, in formal terms, it is run in conjunction with our other parks. I think it is safe to say that the bulk of the supervisory attention devoted to Northam industrial park is devoted to it by individual EODC members. The chairman of the EODC, in particular, takes a close interest in it. If there are problems, I can assure you, they are very quick to make their views known.

The Chair: You never had concerns expressed from municipalities who might be in competition from Cobourg? Does this give Cobourg a leg-up?

Mr D. MacKinnon: It is an accident of history. As you may know, the base is an old Canadian forces base that we took over, I think, in 1972 or 1973, because at that time the government felt that its loss would be a very serious loss to the area. But generally speaking we do not have a competitive problem, because there is considerable pressure on in Cobourg itself in terms of the capacity utilization of parks. So generally it has not been a problem.

The Chair: Okay, thanks. I have two more questioners on my list, Mr Ruprecht and Mr Bradley.

Mr Ruprecht: I wanted you to know that I am subbing for Mr Grandmaître. He has considerable interest in this issue. I am referring to the significant accounting policies, that are found on your page 19. Could you just briefly explain the statement you have made here: "No provision is made for doubtful loans in advance of a loan being written off"?

Mrs LaPierre: In the accounting policies for the development corporations we have to correspond as much as possible with the public interest in terms of disclosure, as per our annual report, and closely harmonize the reporting to that which would be in the private sector.

At the same time we have accounting policies dictated to us by the government, Treasury and Economics in particular. Specifically what happens with respect to loan losses is that there are policy statements—I think you will find it more revealing in the 1991 notes—with respect to write-off criteria. In essence, a loan is written off or written down based on those policy decisions, and therefore an additional provision would not be required because of the restriction there.

There has been some discussion in the past with a review by one of the major accounting firms with respect to this issue. In consultation with the Provincial Auditor's office and Treasury and Economics, it was concluded that the presentation you see today would be the best approach.

Mr Ruprecht: Is a doubtful loan recoverable?

Mrs LaPierre: The loans are written down or written off based on one's best judgement of the value of the security. Yes, they do pick up and get recovered. This is particularly true in guarantees and in loans. We have a department whose mandate is to continue to use every method possible in a business context to recognize the value of the security, and this would happen after the write-off had been processed. So we have been quite successful in our recovery situation on loans.

Mr Ruprecht: Along with Mr Villeneuve's question, who began this line of questioning, is the 1991 Eastern Ontario Development Corp figure of loan losses of 4.97% supposed to be an interim figure, or is this a projected figure to the end of this year?

Mrs LaPierre: Our year-end is March 31, 1991, so those are final figures for the year ended March 31, 1991.

Mr Ruprecht: Do you have any projections for 1991-92?

Mrs LaPierre: In the estimates that were submitted in part of public accounts. I believe it is on that schedule that you have in front of you, an estimate of loan losses. Is it there? Yes, 1.4%.

Mr Ruprecht: My final question goes to Mr MacKinnon. Mr MacKinnon, you described for us in, I would say, fairly successful terms your strategy and the process by which, in your own words, the corporation is fairly successful. You would agree with that, would you not?

Mr D. MacKinnon: I would stress the next phrase, "but not complacent."

Mr Ruprecht: I wanted to find out from you in a public statement how you would see the criterion that would be developed to have a successful corporation, and at the same time to tell this committee how you see the criteria for unsuccessful corporations, so that there is some form of judgement that the person could make in determining when the corporation would not be successful.

1200

Mr D. MacKinnon: First of all, I do not think anyone has a complete set of answers. There are all kinds of forecasting systems that are in place—computer software, spreadsheet analysis and so on—which people have developed to help take a balance sheet and an income statement from a company and to try to predict its chances of succeeding in the future. I have seen many such systems. They are in use and they evaluate all the individual things things you would expect to be evaluated to try to come up with some reasonably accurate way of making a prediction, and some of them are quite good, but I think there is some art to it, too. What those kinds of systems often forget is that sometimes success arises from adversity, for example, or sometimes people, because of an unusual level of capabilities, are able to succeed at things where all the rules of the economists and the accountants say they should not be succeeding. There are also surprising things. Generally speaking, if a firm is operating in a competitive environment, its chances of survival may be better than if it is operating in a non-competitive environment without active competitors to stimulate it on.

I guess, to answer the question, yes, there are systems that can to a significant degree forecast the future of a company, in financial terms, at least, but you can never rely on them, because you are dealing with human behaviour, in a very real sense, when you talk about entrepreneurship, and you are dealing with its variables and sometimes—one of the most advanced technology businesses I ever saw made axe handles. In our line of business, no one can ever know the rules completely and you

always have to be open to people succeeding or failing in ways you have never seen before, and I think this is the fundamental reason why successive Ontario governments have had this board structure.

They do not want a set of formal rules that are applied in each and every case, because there are always people who are going to fit outside them. They do not want a bunch of people like me and my colleagues sitting there making these judgements in that way. They have, I think, taken the view that, because of the fact that we are dealing with human behaviour and all the variability associated with it, in some ways the best people to make the judgement as to what will succeed and what will not are people from the business and the academic and the legal and the accounting communities whose day-to-day life brings them in touch with them, and they bring the art part of it as well as the experience.

The Vice-Chair: Thank you, Mr MacKinnon. We have almost run out of time. We have two more people who want to ask questions, and we have to deal with the subcommittee's report before lunch, so if the two questioners would be brief, I would appreciate it.

Mr Frankford: In this list of loans made, I think one of the biggest ones on this list was to a company in Scarborough, a modular home manufacturer. Is this just where the company happens to be based or—

Mr D. MacKinnon: Just while we are looking at the papers, quite often the head office is different from the actual location of a plant. That is likely what this is, but Mr St Amant perhaps would be familiar with it in detail. We will check that particular case, but there is a 90% chance it relates to the head-office/plant location.

Mr St Amant: Yes, the head office is located in Toronto, but the manufacturing facility was in eastern Ontario.

Mr Frankford: Do you know where the manufacturing location is here?

Mr St Amant: My recollection is that it was outside of Cornwall, but I will check.

Mr Frankford: Okay, I will leave it.

The Vice-Chair: We have another questioner, but we are going to be back here after lunch, from what I understand, so if we wanted to continue then with the questioning. Mr Bradley said he would wait until after lunch, unless we could wrap it up with them and not have them come back here, if your questions were going to be fairly brief.

Mr Bradley: I will try to keep them relatively brief, although I do not know whether they will be.

There is a concern in two directions, obviously. One direction is that not enough people are able to get loans, that it is difficult, that those who genuinely could have a business that would benefit themselves and the province have to fight through the red tape and find that your rules are too tough. The other school of thought would be that the main concern of the Legislature and of your corporation should be that the people who are going to get loans are in fact not going to end up going out of business and leave the taxpayer holding the bag, because the taxpayer does not directly get the profits. I realize that there is an

argument that the taxpayers indirectly share in the benefits of a successful corporation or business, but they do not necessarily cheer when they are stuck with the bill at the end when it is not successful. So I ask the question in this context. I will not ask it in a general context of, how do you make sure they are successful? I can surmise some of the things you do.

What about people with a criminal past or a past which, if not criminal, is what we might call shady in terms of business? Are they able to get loans or do you wipe the slate clean? I can think of one person—but Hansard is running—for instance, who was involved in a number of businesses a number of years ago that the legislative committee dealt with in great depth, a great investigation, and the person subsequently was sent to jail. He is now out and in business again. Would people in that category be able to get a loan?

Mr D. MacKinnon: We take great pains to check the individuals involved in a business, Mr Bradley, as you may recall from reviewing some of those files in your days in cabinet. We certainly do our best to check on the measurable conduct of all involved in seeking a loan.

Having said that, we have to pay careful attention to the law. It is a fine point. If somebody goes to jail, serves his or her term, gets out on the street again, do you make a loan to him? The answer, I think, in legal terms would be that you are not precluded from making a loan to them by the fact of their once having served a jail sentence, and we have on occasion made loans to people who have served jail sentences, and we have been successful. However, the overall pattern of a person's life and conduct is of interest to us, and that is what we assess.

The other side of that question, which goes a little bit beyond it—I will try to be very brief—is that if someone does succeed in defrauding us or anyone else, then we follow all the measures under the law. Mr Runciman has left, but he would have been involved in the hearings of a company called Wyda Systems a few years ago, which occasioned great concern and great political concern on all sides of the Legislature, that particular case. Four years later, we finally ensured the principal of that case went to jail.

We believe strongly in the deterrent effect. If somebody does succeed in defrauding—now, in that case it was not us who was defrauded; it was IDEA—we will pursue it very vigorously with all the reasonable legal means at our disposal to try to prevent it.

So there are two sides to the question: Yes, we try to assess but we try not to be too doctrinaire because of the principles of law and natural justice, but second, if somebody does succeed in defrauding us, then we are quite vigorous in pursuing it, probably more vigorous than a commercial lender would be.

Mr Bradley: How public is it when people are seeking a loan from one of the development corporations? My guess would be that it is relatively a private thing, but is it public at all? The reason I ask that is that if it were, there may be people who would come forward with a tip, saying, "By the way, this person, you should know, has this, this, this."

Mr D. MacKinnon: We generally only disclose loans that are approved by the board or by the government, and we do it annually each year. The reason for that is that sometimes the very fact that somebody is seeking a loan from any source is a matter of great commercial significance and can affect that person, so we do not normally disclose. But obviously there are a variety of information sources open to us. I mean, I am a devoted reader of the court notices on fraud, as are most of my colleagues, as you would expect.

Mr Bradley: So that is a check there.

Another question I would have for you, and this is, I realize, very difficult, because there are some people out there—actually probably on the extreme left and the extreme right; interestingly enough, it would be those two sets of people in philosophy—who would say, "Why should the government loan anybody any money?" So it gets to the question, what percentages of the businesses do you think would get going and succeed whether or not they got your assistance? That is a very difficult question.

1210

Mr D. MacKinnon: If I could come at that in a slightly different way, I think I can answer the question better. In my view, there are whole categories of enterprises that the evidence available to us shows are not developing adequately through the commercial credit and investment system. For example, we are providing 80% of all the institutional seed equity capital to Innovation Ontario. That tells you there is a clear market gap there that the private sector is not serving.

Second is very small commercial loans. I left a bank to join ODC, and at that time—I will not use the figure—it was very hard for us to make a profit on a loan of much under, I do not know, something in the range of \$150,000 to \$300,000. So below that level, a whole lot of commercial loans that need to be made in this society just are not going to be made because nobody is going to make any money lending it. That is one of the reasons why over a period of time the size of our loans has tended to decline, because we are filling that gap. I could go on.

I think the evidence available is that there are several important gaps in the private credit system that have not been filled, yet it is very much in the public interest that they be filled. That is why banks, for example, if you went down to ask the CBA or the other banks if they have any difficulties with our operation, would tell you, and I know because I asked them, "No, because we're not competing."

The Vice-Chair: Mr McGuinty, do you have a short question?

Mr McGuinty: Yes. Mr MacKinnon, in light of the fact that it is likely we are not going to be meeting after lunch with you, I thought I would ask you one more question. It is probably, again, a difficult question to answer, but you know we politicians have a tendency to oversimplify things and I wanted to put it to you anyway.

If we look at the costs—I am trying to simplify this now—of the development corporations, first of all, there is this 3% cost. You refer to the fact that there is a 4% write-off rate, I believe.

Mr D. MacKinnon: It varies from 3% to 6%, I think, in recent years.

Mr McGuinty: If we take it to be 4%, then there is a 3% difference between what is acceptable to a financial institution. Is that correct, just generally?

Mr D. MacKinnon: Yes. Sure.

Mr McGuinty: So that is one cost. Then there are the administration costs, and then there are the costs of lending out money at a reduced rate of interest. Are there any other costs I am missing?

Mr D. MacKinnon: No, I think you have got the bulk of them.

Mr McGuinty: Okay. If we were to add those up and arrive at a dollar amount on a yearly basis—what I am trying to get at here is, how do we assess whether we are getting a bang for our buck? Those are the costs. The benefits, of course, are the benefits associated with having a successful business venture and the injection that gives to the economy.

Mr D. MacKinnon: Plus revenues. Remember that 95% of those loans are coming back. They have been repaid, with interest.

Mr McGuinty: Right, but I am just looking at the differential now of the reduced rate of interest. If we measure those costs, has any attempt been made to develop some kind of system to measure those costs against those benefits we were talking about?

Mr D. MacKinnon: You have hit an area which is—I can give you some numbers that I think will answer your question in global terms, but the government accounting system is geared basically for most ministries of the government. In a highly commercial enterprise like us it fits in uncomfortably. So the answer is that there are not precise figures provided to legislators of that important variable. I agree with you it is important.

We have done several rough calculations, though. I can assure you that in any given year the final net cost to the taxpayer, out-of-pocket costs or activities, would be under \$50 million, and in some years it has been much less than that. Let's use the maximum possible figure. Suppose that filed out-of-pocket cash cost this year was \$50 million and on that you are getting a program base for the whole set of development corporations that is providing approximately \$300 million to the customer base. In recent years that figure has been less than that, but I do not have a precise figure that every accountant in the government would agree on, because the system is not geared to commercial operations like ours, and frankly that is one area where I think we need to do a lot of work. You will see from our improved financial statements, if you compare our financial statements this year compared to five years ago, you are getting vastly more information, including some information of that type, but we have a lot more work to do.

The only thing I can tell you, though, is that the out-of-pocket cost is generally a very small fraction, less than 20% and probably less than 10% most of the time, from the financial assistance made available to the community.

Sometimes some parts of our operation are also highly profitable, by the way. Industrial parks are, and sometimes we do quite well on investments that we run for the government. There are two components: the revenue side deriving from interest revenue; profit derived from industrial park operations, which is substantial; and profits derived from gains in the sale of investments. Over time, on some investments we have done reasonably well. For example, we have divested seven Innovation Ontario companies and on each of them we have achieved very substantial profitability.

The Vice-Chair: Thank you very much for appearing before us today. We appreciate your input and your coming, and the members have had some excellent questions. It has always been very close to me, how the ODC has operated, and I think it does a super job. Thank you for appearing.

Mr D. MacKinnon: Thank you very much, sir, for the opportunity.

REPORT OF THE SUBCOMMITTEE

The Vice-Chair: Committee, we will deal with the subcommittee's report of yesterday. I understand that the government members wanted to consult with regard to perhaps looking at more appointments or a change, and perhaps we could deal with that now. Mr Hayes, are you speaking on behalf of your party?

Mr Hayes: Yes, Mr Chair. I appreciate some of the concerns, but at the same time I guess I have to say here in this committee that the schedule and the times that were laid out first of all were actually agreed on by the previous subcommittee, and the times that all the committees would work was agreed on by the whips of each party. For us to just decide here today that we are going to change the rules we have been living by—I guess I have to say we are not about to do that.

In dealing with appointments, I know we have concerns, and rightfully so, that there is a problem with time. However, I guess we are going to have to do that when the committee comes back when the House is sitting. We cannot agree to deferring these appointments at this particular time and also changing the rules.

Point 4: We certainly can agree that we would meet and that the committee would schedule at least one meeting per month for the review of agencies when the House meets. That is where we are right now.

Mr McGuinty: I am very disappointed to learn of the government members' position with respect to this matter. We are operating, as Mr Hayes indicated, under severe time constraints. That is not the fault of any of us, to put it fairly. What is suffering here, of course, is the integrity of the government appointments review process, a process that was set up by the Premier as a solution, or an attempted solution, to a problem he felt to be very significant. I think we all feel the significance.

Now the government side is saying in effect that it is not prepared to make any concessions. They want to stick by the rules and the net result is going to be that 14 appointments will take place and we will be deprived of the opportunity to review them.

Mr Ruprecht: That is terrible. That is just awful.

Mr McGuinty: I think they are just not making the effort to set aside some time at another time and show some flexibility and maintain the integrity of the process. That is what is at stake here. I am just extremely disappointed they have taken that position.

The Vice-Chair: I wanted to say a few words on behalf of our party if the Chairman were still here, and of course I have had to take the chair. However, I would still like to put a few points on the record about this whole process, which was raised yesterday, how flawed we have believed it to be. What is happening now shows me it is more flawed than I thought it was, because we were never allowed time to deal with this. We asked for six weeks, and to blame it on the whips and the House leaders—it is the government that calls the agenda, it is the government House leader who dictates more or less what takes place in House leaders' meetings and runs the agenda. To say that it is because of our House leader's problems—I do not accept that and this shows to me how badly flawed the process is.

Mr Villeneuve: I have been around here as long as anyone at this table, I guess, and this government came in with the idea that we are going to be screening. None of us were under the illusion that—with six from the government and five in total from the opposition, of course the government was going to have its way, as is the way in majority governments. However, to remove the screening process, where we can put on the record where these people are coming from and what their ideas are on the particular appointments they are going to, I think negates the *raison d'être* of this particular committee.

I am very disappointed. Never was I under the illusion that we would change the mind of the government vis-à-vis the appointments, but at least we could put on the record where they are coming from, screen them and if a vote is required, that is fine; the government will win the vote as is always the case or almost always the case in majority governments. It is a disappointment, if nothing else.

The Vice-Chair: Thank you. We should get on with the vote.

Mr Hayes: I do not think anybody here is going to deny it. Certainly we would like to have more time. Obviously there are a lot of people who are not available to sit a very lengthy period of time through the summer. They are spread out very thinly as it is, and there are many members sitting right here from all three parties who are not regular members of the committee, so it makes it very hard to sit

longer. I am kind of glad to hear people saying it is a good process that we have been going through, because they have been saying before that it is a farce and a waste of time. Now they say we want to spend more time on something that is a waste of time. I have a little problem with that. That is all I have to say right now.

Mr Ruprecht: Just for the record, I think that government members, including Mr Hayes, would agree that the process will suffer in terms of its integrity. We on the opposition side have to believe—at least that is what we were made to understand—that the NDP government would come in with a fresh, clean slate, that there would be plenty of time and that there would be plenty of opportunity to go through the process. On behalf of Mr Grandmaître, who is a member of this committee, that is why I would simply like to indicate we would not agree with the government position by taking the time away from this process.

The Vice-Chair: Let's get on with the vote. We will vote on item 2, then we will vote on item 3 and item 4.

You all have item 2 before you. Is there a motion that item 2 carry? I would like a vote in favour of the recommendation of item 2. All those in favour? All those opposed? I declare item 2 defeated.

We will move to item 3, the certificate with regard to August 1:

"Your subcommittee advises that a subcommittee meeting will be held on August 30 to select intended appointees for review from the certificate of August 1 and any subsequent certificates received in August."

All in favour of item 3? Those opposed? Carried.

The last one is with regard to the scheduled meetings when the House meets:

"Your subcommittee recommends that the committee schedule at least one meeting per month for the review of agencies when the House meets."

All those in favour of that recommendation? Opposed, if any? Carried. Thank you for your time on that one.

The other item of business is the closed session, with regard to advising our researcher what recommendations we feel we should make. We could probably do it in 10 minutes.

If we could go into camera, I will declare this part of the committee adjourned.

The committee continued in camera at 1221 pm.

CONTENTS

Friday 9 August 1991

| | |
|--|---------------|
| Agency review: Eastern Ontario Development Corp | .A-601 |
| Report of the subcommittee | .A-613 |
| Continued in camera | .A-614 |

STANDING COMMITTEE ON GOVERNMENT AGENCIES

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Le mercredi 25 septembre 1991

Standing committee on government agencies

Appointments review

Comité permanent des organismes gouvernementaux

Révision des nominations



Chair: Robert W. Runciman
Clerk: Douglas Arnott

Président : Robert W. Runciman
Greffier : Douglas Arnott

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Table of Contents

Table of Contents for proceedings reported in this issue appears at the back, together with a list of committee members and other members taking part.

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Table des matières

La table des matières des séances rapportées dans ce numéro se trouve à l'arrière de ce fascicule, ainsi qu'une liste des membres du comité et des autres députés ayant participé.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 25 September 1991

The committee met at 1009 in room 228.

SUBCOMMITTEE REPORT

The Chair: Come to order, please. The first item on our agenda is the report of the subcommittee on the committee business. I hope you all have a copy in front of you. We will need a motion to adopt.

Mr Grandmaître moves that the report of the subcommittee be adopted.

Any discussion on the subcommittee report? Do you want to take a minute or two, if you have not looked at it, to scan through it?

While you are looking at it, I will make reference to one change. The opposition and the government members selected a number of appointees for review and asked they be scheduled under the first two meetings of the committee. The clerk and staff were able to comply with that request with the exception of Mr Gary Carmichael, the Board of Funeral Services, who is at the top of the selections of the official opposition. He was unable to attend either the first or second meeting of the committee, but he has been scheduled to be the first witness to appear before us at our third regularly scheduled meeting. That is the only change.

Motion agreed to.

APPOINTMENTS REVIEW

Resuming consideration of intended appointments.

BONNIE BURGESS

The Chair: The next item on our agenda is the commencement of the half-hour review of the selection by the official opposition, Bonnie Burgess, who is an intended appointee as member of the Guelph Police Services Board. Ms Burgess, welcome to the committee. Are there any brief comments you would like to make before we get into the questions?

Ms Burgess: I would just like to thank you for the opportunity to come this morning. I said a lot of what I wanted to say to this committee in my opening letter. I am a little nervous this morning. I have never had to answer to so many MPPs. I usually ask questions of them, not the other way around.

I have lived in the city of Guelph for 12 years, and before that I was there for four years as a student at the University of Guelph. I am very familiar with my community. I also am an educator in the community and a parent in the community.

My concerns are around a number of those issues. I really am concerned with young boys growing up and coming into their teen years with teen violence, gangs coming into the communities, and drug- and alcohol-related incidents. I am also concerned about the family violence I see and how we can better handle that and educate the community in that area. I am concerned about developing a better perception

of the police in the community. I think the police are not often given the support they need to do their job. We need to develop a better perception for them so that they can get out and be part of the community and develop some of those relationships that will help them provide better service and protection for all of us.

The Chair: For the benefit of the new members of the committee, this is a half-hour review. These time allocations are selected by the party asking for a witness to appear and we split it up evenly among the three parties, beginning with the party that chose the particular witness to appear here. We will begin today with Mr Grandmaître.

Mr Grandmaître: Ms Burgess, feel at ease. Think of Bob Rae. He has to answer to nine million people, not nine MPPs.

Ms Burgess: I will try to keep that in mind.

Mr Grandmaître: I was going through your CV and your past responsibilities. You have shown great leadership in Guelph. Tell me a little more about the Guelph Police Services Board, or maybe any board in Ontario. In the last couple of years, police forces have been accused of racism and so on and so forth. Is this happening in Guelph? If not, give me your impressions of what the people think of certain police forces in the province of Ontario. Do you think it is a widespread affair?

Ms Burgess: Do I believe that racism within the police is a widespread affair?

Mr Grandmaître: Not within the police forces, but treating the general public.

Ms Burgess: I think the perception of the police has changed over the years, as you recognize. I would have grown up in the era when people called police "pigs." I think the perception of the police in the community has changed a lot. There has been a lot of education going on. I think the police are becoming more involved in the community, becoming part of different programs happening in the community, developing an awareness from kindergarten right through to different adult programs. If there has been that perception, I think it is changing. If you were to ask people in the community in Guelph, you would probably still get some feeling that there are some areas that need to be worked on, some things that are not perfect at this point. But I think the perception is much more positive.

Mr Grandmaître: Do you think police services boards' agendas should be more on educating the public than trying to enforce municipal or provincial laws?

Ms Burgess: No, I think we need a good balance. In order to provide a good service to a community, we have to have education and we have to have the enforcement of the law as well, but we have to see more balance.

Mr Grandmaître: I was chair of a police commission at one time, 10 years ago. As you know, police commission or police services board budgets have to be approved by municipal council. If the municipal council does not approve the police budget, it can go to the Ontario Civilian Commission on Police Services to have it ratified. Do you think we should have more municipal representation on the police services boards? As far as they are concerned, they are paying the shot and they would like to have more of a say on the expenditures of the police services boards or the police force. Do you think municipal councillors should have more of a say?

Ms Burgess: Are you saying should they have a right to veto?

Mr Grandmaître: I am not asking you if they should have a right to veto. I am asking you, do you think it is fair that a municipal council has to approve a police budget but has very little input in—

Ms Burgess: In the development of the budget?

Mr Grandmaître: Development, yes.

Ms Burgess: I do not know truthfully how to answer that at this point. I do not think I have enough experience with it to give you that kind of feedback. As I already work in the public sector, I know council certainly has to approve boards' taxation as well. We come forward with our budget and say, "We want city council to look at this, and you're going to have to raise property taxes." I know the same situation exists there, but I do not have the experience at this point to tell you yes or no, that I really feel they should have more input.

Mr Grandmaître: What are your thoughts on pay equity? As you know, the former minister responsible for police services boards indicated that all police services boards should have a plan to introduce equal pay. What do you think of this?

Ms Burgess: Are you asking me about pay equity or employment equity?

Mr Grandmaître: Pay equity.

Ms Burgess: Pay equity: I believe when people are doing the same job they should be paid the same. I do believe in pay equity.

Mr Grandmaître: Good.

The Chair: That was not my definition of pay equity. In any event we will move on to Mr McLean.

Mr McLean: You can relax, Bonnie. This is a meeting where nobody gets carried away. We just ask a few questions. Did somebody approach you about the position or did you send in an application?

Ms Burgess: Actually I saw the position advertised in one of our local newspapers and you applied?

Ms Burgess: And I applied from there.

Mr McLean: Do you know of any other people who applied?

Ms Burgess: No, I do not.

Mr McLean: When was that?

Ms Burgess: It would have been back in May, I think, that I first saw the advertisement.

Mr McLean: When were you notified that you were the one who was being recommended?

Ms Burgess: I was away all summer. I was notified the end of August.

1020

Mr McLean: Crime in Ontario: I am wondering how you would handle or make any recommendations on the services board. Violent crime is increasing dramatically right across the province. How do you feel police should combat this in the short term and in the long term?

Ms Burgess: I guess in the short term we have to look at law enforcement, but the long term is the more important question because I think we have to start educating the public and we have to start at very early ages. One of the things that is happening in our community right now is a lot more police involvement in the school system. We have a violence in the schools policy and we have police involved in coming into the schools and working with students.

Some of the programs they have set up are values, influences and peers programs where they come in and talk to very young students about violence and gangs and how to avoid being involved in these situations. In some of the high schools we have an adopt-a-school program where a policeman comes into the school and is given space to work there. Students can come to him anonymously and discuss any concerns they have around violence or drugs or any illegal activities that they have seen or been involved in, or abuse at home, all of those issues. The policeman then has admit slips that are signed by the vice-principal so that the student can get back into class and no one ever knows he was out talking to this person. Those kinds of programs are the things that are going to make the difference in the long run because I think that until we start changing attitudes within the community, we are not going to see a change in that area.

Mr McLean: Would you support the police having better weapons, such as a 9 mm over the .38?

Ms Burgess: I know nothing about guns. Sorry.

Mr McLean: You are willing to learn about them?

Ms Burgess: I am willing to learn, yes. At this point I do not know guns.

Mr McLean: Let me talk a little bit about the process. I do not have many questions for you because I have looked at your résumé.

In the municipality I come from there is a board member being appointed to the police services board in that community. In that community the council was asked to make recommendations and the police services board was asked to make recommendations. A lot of the recommendations were the same from both boards, and there were other individuals within the community who had made application. There was one selected who nobody had recommended, other than somebody had probably written in to make the recommendation. One of the ones who had sent in an application got a letter back on September 9 indicating: "The police services board advisory committee will be making an appointment to this board in the near future."

Therefore please complete the form and return it to us by September 18."

Back on July 31 we had a list of people who were recommended to the police services board and that individual's name was there, who was recommended, and yet these other individuals in my community got a letter from the Solicitor General's office telling them to send in their application for this position. Do you know if that has happened in Guelph? Do you know any others who had made application and were told two months after it was made that they should send in their application?

Ms Burgess: No.

Mr McLean: The point of my bringing that up is that these recommendations and this process is such a farce that the government does not really even understand what is going on. It is writing letters to individuals who have taken the time to fill out their applications for this services board when the appointment is already recommended. I really find it hard to accept.

The Chair: We have three questioners from the government party, three members who have indicated an interest. You have 10 minutes to try to divide that.

Mr Wiseman: Before we begin, Mr Chair, I would like to clarify what Mr McLean is pointing out.

The Chair: It is part of your 10 minutes.

Mr Wiseman: That is okay. It will only take a second. Part of the process, Mr McLean, is that there will be many more than just one appointment to the police services boards across Ontario. Therefore, it is essential that people who have an interest and who would like to be on the board send in those applications, whether they will be considered for the short term or in the long term. There are many more to come. Those names will be kept on file and those people will then be considered in the process, so I do not think what you are implying, that it is unfair and ludicrous, is true. I think it is an ongoing attempt to make sure we get the best people possible. Also, your party then has the choice of determining whether they should come before this committee to be heard, and your party chose not to participate.

I would like to turn the questions over to the other New Democrats.

Mr McLean: On a point of order, Mr Chairman: I believe the member should read the correspondence individuals are receiving. I quoted from where this board is making the appointment in the very near future and there are no other appointments at that board that are going to be available for the foreseeable future. To anybody who got this type of letter, it would certainly have indicated that it would have been for the vacancy that was there.

The Chair: That was not a point of order, but I allowed you to get it off your chest because you had not utilized your full 10 minutes.

Mr Cooper: Ms Burgess, I have two pet projects back home. I am involved in Block Parents and Neighbourhood Watch. You talked about education and I am wondering how widespread or how much you would endorse the Block Parents program in Guelph.

Ms Burgess: I am very much in favour of the Block Parents program. In fact, I have a nine-year-old who has to walk from school to the baby-sitter and we do not have a Block Parents in our neighbourhood and that is something I would like to see get started. It has been an organization that had a lot of support at one point and it is having lot of difficulty right now and really needs a lot more support to get it going again.

Mr Cooper: That is a good start. That gets the children on side with the law enforcement officers in town. Neighbourhood Watch brings the adults in line, and a lot of them are really ignorant of a lot of things that are going on. I know a lot of them are lobbying, along with the municipal councillors, to keep taxes down so they do not want to hire a lot of extra services, so Neighbourhood Watch is a really good program. I come from Kitchener and I actually do not even know how good the Neighbourhood Watch program is in Guelph. Is there a program?

Ms Burgess: There is a program, but again it is not a strong program in our community. It is one that really could stand to be developed and used much more efficiently than it has been in our area right now.

Mr Marchese: Two questions, Bonnie: The first one is, what is your involvement presently or in the past with visible minorities or other cultural or linguistic groups— involvement, participation, anything you might have done with them?

Ms Burgess: Other than growing up in a neighbourhood that had a couple of different ethnic groups in it, I have not had a lot of experience in that area. I was thinking as I was coming in on the GO train today that it was not until I was in my mid-teens that I actually saw my first black person. Since that time I have really had to develop an awareness of different races and ethnocultural groups within the community. I am always having to question my own biases and prejudices and to develop and learn, because I think unless we continue to challenge those things, we do not grow.

I do have one project that is under way right now. I am a speech-language pathologist with the board of education and we have a race and ethnocultural policy that is being developed within our board, talking about how to take out some of the biases we have in our curriculum and bring in an awareness of other people. Part of that is that we have to look at how we assess children who come to us who are from different races and who may not speak English at this point. How do we make sure we are providing the best education for them and are not taking away any of their opportunities by saying, "Obviously, this child does not fit in"?

Right now I am developing a policy that looks at how we can assess these children in a culturally fair environment and provide the best support for them so they can come into the community.

Mr Marchese: The other question is very much connected to that. What do you think are the perceptions of the visible minorities or the other linguistic groups? What is their perception of the police and their relationship with each other?

Ms Burgess: I think it partly depends on where they have just come from and the background they bring with

them. A number of the people who are coming into our community are refugees from where authority has been misused. I think they bring with them a lot of justified fear. Until we can educate and work more with those populations, that is still going to be there. There is going to be mistrust on their part of any authority. Even coming into a school situation, they are very nervous of someone like myself—I was very nervous of all you people—and they are saying, “I can’t give you honest information because you may use it against me in some way.” So when it is an authority like the police I think there is some difficulty there.

1030

If you look at the more established groups, people who have been here longer, I think this has been part of the education of being within the community, but I think we still need to work on that. There are still some problems there and you see it in the newspaper all the time, what is happening more in the bigger municipalities than in our area right now. It is a question that has to be asked all the time. Are we looking fairly at the different cultural groups and are they being treated fairly?

I think it is because we all need education in that area. As I said, I have to challenge myself all the time and say, “Is this a true belief or is this something I have learned along the way and never questioned before?” I think this is a question we have to look at.

Mr Marchese: You talked about race relations programs. I think you are doing something in that area.

Mr Burgess: Yes.

Mr Marchese: Many boards are getting involved with anti-racist programs and policies. Is that something you would be advocating as a board member?

Ms Burgess: Yes, I would, actually. I believe very strongly in that. I think we have to look at representing all the people in our community. In order to do that, we have to develop policies. It is very nice to say that these things will happen and it is part of growth in a community and it will eventually come about, but unless we set ourselves some goals for doing that, I am not sure that we keep on track. We need to make ourselves aware that we have to keep paying attention to this, because we can let it slip too easily.

Mr Wiseman: About four of the questions I had have already been asked, but I would like to pursue a little bit what you feel the police services board can do in conjunction with the education system in order to break down barriers. I come from an education background. That is a very important issue because tensions are starting to develop in the school system and so on. Do you have anything else? You mentioned a couple of programs. Are there any other projects you have in your mind that might be able to assist?

Ms Burgess: I would like to see more involvement between parents and teens and the police, more opportunity for them to have an open forum. One of the ways we can look at doing that is through some of the parent organizations in the schools. The Wellington county board, for instance, is starting to go back to developing parent organizations, to encourage those. Perhaps we can get the police as part of the group on an ongoing basis, to provide information, to be there to answer questions for parents and

to bring some of that background so the parents feel more comfortable about the kinds of things that are going on in the community and can get some information from the police about how they can handle that with their own children.

Mr Wiseman: A lot of this has to do with the community identifying with the police force and the way our society is changing. How reflective is the police force in Guelph? How well does it look like the community it protects?

Mr Burgess: In one of our high schools we have Constable Gazzola who comes in. We have a large Italian population in the city of Guelph. When you look at some of the cultural groups within the city, you see some representation. Where you do not see a lot of representation is in different races. That is an area we would have to look at and see, through our demographics, what the population is we are representing and whether we are represented in the police service in equal proportions.

Mr Wiseman: Your background is communications, so my last question would be, do you envision any kind of courses or any kind of new training that perhaps police should be looking at in terms of becoming better equipped to deal with the 1990s situations?

Ms Burgess: Yes, and of course communications is always an important area. I think one of the things that we have to develop for police is an awareness of the different groups they are working with, so that if they are going into a situation where there is wife abuse going on, for instance, I think they not only have to be aware of what the situation entails, but how to communicate with those people about those situations. I think we also have to be culturally aware. We have to know what is going to happen if we approach a person of a certain racial background or culture, what some of the concerns are that we should be sensitive to in meeting their needs.

The Chair: Thank you very much, Ms Burgess. We appreciate your appearance here today and wish you well.

ANGELO TOWNDALE

The Chair: Next with us, again a selection of the official opposition, Angelo Towndale. He is an intended appointee as a member of the Cornwall Police Services Board. Welcome to the committee. Are there any brief comments you may wish to make at this time?

Mr Towndale: I have been a resident of Cornwall for the last 24 years. I have been active in a number of organizations in the community. I come from a background of social work and have lived with family violence and child abuse, and I have dealt with the police force in that aspect. So I feel I will be able to contribute something to the police services board.

Mr Grandmaitre: You have been quite a community person in Cornwall, if I can describe you as a community person, and Citizen of the Year. You are very well respected. I am sure you will be an asset to your police services board. How would you describe the relationship between your community of Cornwall and your police force, being a border city to the United States and being involved with one or two or maybe three native reserves? What is the

relationship or the feeling between the Cornwall Police Service and your community? How would you describe it?

Mr Towndale: Last year when we had that Oka crisis, we had to bring a lot of families and children to Cornwall from Cornwall Island. It was through the Transport Canada training institute and there was good co-operation. The community all pulled together. It wanted to help. In other words, we have a good relationship with the natives on Cornwall Island. I understand the Cornwall police force now has three natives on the force, so the police force is already trying to improve the relationship with the native groups.

Mr Grandmaitre: You will bring to your board a lot of community experience. What will be your first priorities on the board? What changes would you like to see happen on the board?

Mr Towndale: One thing I would like to see in the Cornwall police force is that I think there are only three female officers at this point and I feel the police force should reflect the community. There should be active recruitment to bring more females into the police force. I come from a social background, as I mentioned, about social problems and what not, family violence and child abuse. I feel more female police officers could bring a different perspective. That will be one of the things.

I would like to see police officers maybe spending more time in the school system with schoolchildren, for the children to learn about crime; in other words, crime prevention. I would like to see police officers maybe becoming a part of the community, becoming more involved in the community, knowing the people in the different locations.

1040

Mr Grandmaitre: How would you accomplish this involvement? I know Cornwall very well. Would you, let's say, instead of having one central police station, have precincts to have a better presence in Cornwall? How would you do this?

Mr Towndale: For example, the police force could walk around spending time, wherever the need is. That is one way to do it. The cost will be a factor that has to be taken into consideration if you are going to have different police precincts there. Maybe that should be looked at under the financial situation. Can we do it or not? At least there will not be any cost if you are going to walk around talking to people, getting to know the community, to know the people. I think it is also going to help build a better relationship with the police force. Rather than people looking at the police as being hard, there to enforce the law, they could be perceived as helpers.

Mr Grandmaitre: Talking about the cost of police services, I know there has always been fighting among municipal representatives and police services board members, that they should not get involved in their budget. What is your feeling on this? Do you think the taxpayers should have a better say or more of a say on how police boards spend their budget or on where they should put more moneys on certain priorities? What do you think? Do you think the public should be much closer to the police boards? Most of your meetings will be behind closed doors; 95% of your meetings will be behind closed doors.

Do you think your meetings should be open to the public as often as possible?

Mr Towndale: I agree they should be open, unless we are discussing secret issues or personal issues. Apart from that, I think public issues should be discussed openly and be open to the press and what not.

Mr McLean: I want to congratulate you on becoming Citizen of the Year for Cornwall, an achievement that many people do not have the opportunity to make. With your outstanding dedication to Big Brothers and Big Sisters and the hospital fund, I think you are an excellent choice. You will have the opportunity to further represent your community on the police services board, and I wish you well.

Mr Waters: I come from a small town. One of the things I have noticed in our town is, to be very blunt, the vandalism that is being blamed on the youth. The police seem to go into the schools to try to deal with that. I was wondering if there were any other alternatives to it that you might be interested in looking at, such as having a police officer speak at church on Sunday. After all, we do not import these children; they are our children. I was wondering if there was anything in that. I would like you to comment on that.

Mr Towndale: One thing I would like to see is police going to the schools and talking to the kids and what not. I never thought about whether the church will allow them to do that or not.

Mr Waters: Whether it is church or service clubs or whatever, I was just wondering how you felt about expanding the discussion beyond talking to the youths. That is what I want the opinion on.

Mr Towndale: I think the police should do more public relations, in the sense that at every opportunity they get, they should be able to go and speak to any groups and what not. For example, one thing we did at the theatre was when we had a big building extension. We wanted \$400,000. What we could get from the three different levels of government was about \$200,000, and we wanted \$400,000. To raise \$200,000 in Cornwall is a big sum of money, and one of the things we started is a bike-a-thon. We got the police chief to chair it. He has been doing for the last seven years as chairman of the bike-a-thon, which means that not only he is participating in that fund-raising; he also brings other policemen to participate too. That kind of PR involving charitable work brings a different perception and also people get a chance to speak. The bike-a-thon was attended by about 800 people.

Mr Waters: Thank you, and congratulations once again on being Citizen of the Year for Cornwall.

Mr Wiseman: I would like to pursue an area where I think you should have some expertise, and that is the children's aid relationship to the police force. Do you think it is satisfactory as it exists right now?

Mr Towndale: Whenever we have to do an investigation, we call the police department. We have a good relationship. In most of the cases investigation is done jointly by the social worker and the police force, rather than have the social worker interview the child, especially when the

police have to go through it again. In most cases, we are doing joint investigations. We have a good relationship with them along the lines of investigation.

We have had a child abuse, a sexual abuse treatment program for the last five years. Right now we cannot continue that program for financial reasons, so within the last three weeks we have been forming a board and we have the police chief on that committee now. We formed a new board to start a new organization to deal with sexual abuse. So there is co-operation in that area of sexual abuse.

Mr Wiseman: As a member of the police services board, what kinds of projects and development would you like to see take place, with specific reference to any need you have identified that might be useful from the children's aid point of view?

Mr Towndale: Dealing with family violence is one of the areas I would like to see the police force more attuned to, the needs in dealing with family violence. I personally feel that more women on the police force is going to bring a different perspective in dealing with family violence, and I would like to see that done more effectively. Also child abuse; I would like to see what the police can do in the area of prevention.

Mr Marchese: Angelo, could you explain why you want to do this job?

Mr Towndale: I have been active in the community and I feel I could be an influence in making the police force more understanding of social issues. I am not only involved in social work. Recently I have been involved in labour relations as manager of human resources, so I could bring a human resources perspective to the police force. We are assisting police officers who are going to deal with the problems. I could help in that area. I would like to bring a social perspective in dealing with social issues. At the same time, I could contribute something in the personnel-labour relations end. I also want to see the police more community-oriented.

Mr Marchese: As an additional question, what is the experience of your own community vis-à-vis the police? What do they think about the relationship between the police and your community members?

Mr Towndale: That relationship between the police and the community, I would say, is a good one. Are you talking about minorities in that respect?

Mr Marchese: Yes.

1050

Mr Towndale: If you look at minorities in Cornwall, I think the East Indians and Pakistanis will be about 1%. That will be a visible minority right in Cornwall. We are also dealing with Cornwall Island, with the natives there. I have not seen any racial tension within the police force or heard anything about that.

Ms S. Murdock: Some of what you have said has gotten me to think about community policing, which is something that is being done in my riding of Sudbury. It is an expensive proposition but it puts the police officer into the different sections of the community. Just generally, is

that what you were talking about when you were having the police officer on the streets?

Mr Towndale: Yes, that is what I was talking about, not only on the streets but also in the residential area. That is what I am talking about.

Ms S. Murdock: With a base within that community?

Mr Towndale: A base in the community so they could walk and talk with people. I have to look into the cost of putting a building there. I am thinking of the police officers spending more time with the people.

Ms S. Murdock: You said too that public relations is very important for the police; in other words, communicating what they are doing with the community. With the fiscal restraints that are coming—every community is suffering and municipalities are complaining about the cost of police service—if you had to choose between the PR and policing, what would you decide and on what basis would you decide that?

Mr Towndale: I would go for policing.

Ms S. Murdock: And your reason?

Mr Towndale: We have to enforce the law and have crime prevention. The laws have to be enforced and crimes have to be investigated, so that is a priority that has to be done. It can be done without much cost too. Using the media, I think it can be done without that much cost.

Ms S. Murdock: Yes, I agree with you.

Mr Towndale: Also, you can use auxiliary police officers to go and speak. It does not have to be police officers going and speaking. It could be commissioners, whoever is on the service board. Maybe we should solicit their co-operation to go and speak to groups. Auxiliary police officers could be used.

Ms S. Murdock: Cadets.

Mr Towndale: Cadets could be used.

The Chair: The opposition did not utilize all its time. I want to ask you one quick question, sir. You mentioned wanting to see the police force in Cornwall more reflective of the community. You talked about more women officers. That is a commendable objective and something this government is pursuing as well.

I know when the former Solicitor General made an announcement some time ago with respect to the numbers of women on police forces, he indicated he wanted to see it reflective of Ontario society. We are talking about 50% or more of police officers being women. The reaction from an awful lot of people was very negative, especially police officers who are out there and have to go and deal with some pretty rough situations. They have some concerns about that direction in respect of breaking up a barroom brawl, those kinds of things that police officers have to face on a daily basis. Do you have any concerns about that?

Mr Towndale: I am not for a quota saying if the community is 51% female, you have to have 51%. The only thing I am saying is that there should be active recruitment to bring more women to the police force.

The Chair: So you do not have any views on what an optimum level is?

Mr Towndale: I think we should make it the recruitment of women who are capable of doing the job. In other words, we should not have people because they happen to be female. Good training and active recruitment: If women are able to do the job, we should bring more to the police force, but I am not for a quota saying it should be 51% or 40%.

The Chair: I am glad to hear you make your comment with respect to policing versus public relations, because I am certain that education and a better understanding of policing the community is very important. But looking at crime statistics now and the way they are going through the roof, certainly in many instances—perhaps at the provincial level, not so much at the local levels; I am not sure about that—we lack front-line officers who are out there and able to combat crime on a daily basis. That is my own view, and certainly from talking to a lot of police officers across the province, that is their view as well.

Thank you very much for appearing before us today. We wish you well with your new responsibilities.

MARY-ELLEN TYLER

The Chair: We are now moving on to selections for review from the government party. Dr Mary-Ellen Tyler, who is an intended appointee as a member of the Agricultural Research Institute of Ontario, is next. Welcome. Do you have any comments before we begin the questions?

Ms Tyler: No. I would just like to thank the committee for seeing me today. I am really hoping I will be able to answer the questions. I think the ARIO presents a tremendous opportunity and an exciting challenge in terms of the future of Ontario.

Mr Wiseman: Thank you for coming. I am the person who chose you and I have a very specific reason. I believe the planning process in southern Ontario lacks any resemblance to intelligent planning. I think what we are doing to our agricultural land in the greater Toronto area is a crime against the next generation. I really felt that it would be important to have someone come who has your kind of background to either tell me that I am losing it or perhaps explain how it is that so many intelligent people can continue to go down a path that is so totally without any intelligence. Perhaps you do not feel that way, so we could start off with that.

Ms Tyler: Great. You have probably picked the most pressing issue in terms of southern Ontario to start off with. Perhaps it might be useful that a friend of mine who was a reeve of one of the municipalities adjacent to Waterloo, where there is a great deal of pressure for urban development, put it simply that the best cash crop for farmers right now is houses. I think that has, in part, driven much of the loss of agricultural land, the incredible pressure for growth, which to some extent has slowed down given recent economic conditions.

I think the issue of how we use our land and the loss of that land in terms of the future legacy is a problem I know the government has taken a strong stand with respect to sustainability and agricultural and environmental interac-

tion. Part of it is simply the institutional framework within which planners work and the competing pressures and interests that go for a scarce resource. As the land resource becomes scarcer under pressure, it becomes more strategic, and that means the use of it is prone to far more pressures, both economic and social, not to mention environmental, than before.

There has been a strong feeling, certainly in the part of Ontario I am currently living in, that the economic interests have far outweighed the social and environmental interests. That has been part of the concern for why development seems to go unchecked. To some extent, reflecting planning theory and planners in the trenches on the front lines, in terms of advising political leaders both at the local level and at the provincial level about the options available, planning theory has not really established itself very clearly as providing direction. It is still a process of working towards social goals, and those social goals are established through the political process rather than through planners individually.

The issue of the tradeoffs that both politicians and planners have been put in the position of having to make has simply been relatively overwhelming in the period of time the pressure has been on. The new trend in planning that has been developing to try to address this is a concept of something called the "working landscape," where there has been an attempt to identify at a regional level planning strategies that try to maintain necessary landscape ecological processes—soil, water, air, energy—at the same time as maximizing use on the land.

It is an inexact science, but I think the problem you started off with and pointed out has reached a critical threshold, certainly within southern Ontario, as well as within other areas of Canada, the lower mainland of British Columbia in particular. I tend to agree with you that the tradeoffs from an agricultural point of view are getting to the point where, economics aside, in terms of wise future resource use and any hope for so-called sustainability, a balance between social, economic and environmental is not going to be met if there is not strong policy with regard to the management of that land with respect to land use.

1100

Mr Wiseman: Your appointment is to the Agricultural Research Institute of Ontario. How would you see the Agricultural Research Institute of Ontario helping to alleviate the pressures on the farmer? We all know the farmer is not getting enough payback for the labour and investment he is putting in. This is a really serious problem in southern Ontario. Do you have any insights or anything you can offer in terms of what you think could be done at the research institute?

Ms Tyler: The research institute itself has come forward with 17 recommendations that outline what it thinks the priorities should be, including two major research thrusts, one in world community development and the other in environmental management, at least air, water and soil. I think that if they proceed with those recommendations to establish those two new research trust funds, research in both of those areas would go a long way to addressing that.

I think more specifically of two aspects of it. The sustainability or the ongoing maintenance of the rural community or the development of the rural community is a consequence of new technology. Again, there are essentially six priorities. Both the ARIO and the Ontario agricultural services co-ordinating committee agreed on six priorities. Of those, two, the idea of identifying the role of future community development interests within rural communities and the aspect of new technology, could go a long way, because I do not think agriculture as an industry is really that much different from any other industry in the sense that there is going to be restructuring, there are going to be changes in technology and there is going to be retooling with respect to human resource training as well as technical training.

I think agriculture is moving into that transition zone, so potentially these issues of technology transfer, as well as a relook at the role of development priorities and lifestyles within rural communities, could go a long way to addressing some of those things. It is a mechanism of social change, but computerization, the use of computer technology and information technologies in agriculture to increase efficiencies in productivity is coming. They are here. To do that requires a certain human resource base and training. I think that if the institute is able to pursue two new research areas in community development and in technology and is able, together with OASCC, to address its research priorities, particularly dealing with human resources and technology, that may form the basis for a new vision for agriculture as an industry.

Mr Wiseman: Is there a continuing role for the family farm in this vision?

Ms Tyler: I certainly hope so. I hope there is a continuing role for families in any vision, but I think that actually more than anything we seem to go in linear trends. There has been this incredible migration away from the family farm and into urban areas and urban agglomerates, but I think what we are beginning to see—I do not think the area around Toronto is that different from the area around Waterloo—is almost a reversal of that trend. The Waterloo region's Citizens' Advisory Committee on Environmental Quality, which I was involved in, identified a strong preference among people to return to the country, to return to small towns in search of the village vision of a form of lifestyle and a quality of life that people feel is represented in those agricultural areas.

In some ways I think that is still very much a part of our cultural value system, but on the other hand we also have to be careful we do not kill the goose that laid the golden egg. This same problem, the first one you identified, of this incredible mass migration back into farm areas to take it over in terms of subdivisions and bedroom communities has to be balanced by this need to maintain environmental quality and a quality of life that is available in agricultural communities, meaning the family farm.

Mr Marchese: What kind of farming? I am very interested in that. Is it viable economically?

Ms Tyler: The nice thing about economics is that you can prove anything if you use the right statistics or the

right formula. If we start taking into the equations and into the cost-benefit analysis the types of costs in terms of environmental resources that are borne by the public sector in terms of the downside of not using organic farming, then you can certainly make organic farming look very attractive from an economic point of view.

Mr Grandmaitre: I listened to your planning concerns with great interest. If you were the Minister of Municipal Affairs and were given the responsibility of amending the Planning Act, how would you do it?

Ms Tyler: To be perfectly honest, I think I would probably follow a line of thinking that previous Ontario governments have done, and that is not to look just at the Planning Act, but to look at a group of acts or a series of acts that are related. I think the process is called getting our acts together. It would involve looking at the Municipal Act, probably at the Planning Act and quite possibly at one of the acts with respect to the ministries of the Environment and Natural Resources.

Mr Grandmaitre: The Ministry of Agriculture and Food.

Ms Tyler: Yes. What we need to do is start linking these together, because the repercussions or the interrelationships between them are so significant that with respect to Municipal Affairs we need to broaden it to include a more regional perspective, rather than simply looking at small institutional areas, and start looking more at process and interconnection because of the types of dispersed, deconcentrated settlement patterns that have begun to evolve in the urban region of southern Ontario.

I guess my answer to that is that I would try to address it by linking it to other acts and strengthening its ability to deal with environmental issues—in the sense of air, water, soil quality—but also local controls over land use, on which there is some debate as to exactly how much power local authorities actually have under the current act, which is good business for the OMB, but I think in terms of local control and planning it lacks something.

Mr Grandmaitre: The process you have pointed out is happening now. Municipal Affairs and Agriculture and Food and all these ministries and offices do get together and amend the Planning Act. My big concern, and it has been my concern for the last 15 years, is that we would take months and months to introduce legislation to make the Planning Act much stronger, yet we are providing people with intervenor funding, with all kinds of opportunity to object, not a second but a third and a fourth time, to to that same Planning Act that we spent millions of dollars in introducing. I find this ridiculous, that we would spend millions of dollars introducing what we think is a solid Planning Act, and then we provide moneys for groups to fight that same Planning Act.

Ms Tyler: All I can say is that it is perhaps endemic in the style of democracy or the style of government we have within the province and within Canada and by tradition. This is not in any way to indicate that the type of work that has been done in putting new ideas together is lacking in any way. I think the biggest problem in any plan is its implementation. Unless you are able to deal effectively

with all the different interest groups and stakeholders who will be involved in implementing it, then the effectiveness of the planning is limited. I am not going to try to defend the costs involved, but potentially, in the long run, the implementation may be more effective because we at least have had a forum through which groups of different interests have had a chance to either mediate or identify some common ground so that the implementation would be more effective.

1110

Mr McGuinty: Dr Tyler, I have just been reviewing some of the literature put out by ARIO and it seems fairly sophisticated in terms of the kinds of research it is conducting. I am not from a farming community and I do not pretend to know much about farming, but I have met with farmers and one of the concerns they are expressing is that it is very difficult today to make a dollar on the farm. They are also concerned that with regard to their ability to use pesticides and other forms of chemicals to keep production up, that practice may no longer be permitted. What are your views on that?

Ms Tyler: It is not just a question of rights to pursue an economic activity. One of the things the majority of farmers understand is that it is very expensive to use artificial or chemical means to stimulate productivity and that you get caught in that vicious cycle of having to spend a lot of money to stimulate production to make money. But the problem, and most farmers I have talked to and I am sure you have talked to have identified it, is that the long-term problem of chemical agriculture is that it depletes the organic content of the soil to such an extent that it becomes incapable of production without that kind of chemical stimulus. In the long run, you not only lower your production, but you lose money. The majority of farmers are not so much concerned with being able to continue to use pesticides, but they are concerned with being able to find ways and means by which they can increase or continue the productivity of their land, at the same time meeting certain economic ends.

Mr McGuinty: Do you know if the institute is conducting research specifically in that area?

Ms Tyler: Yes, it is, and also part of this new research recommendation—I think it was number 14 of the 17 it recommended—was to enhance concentration on research into soil, water and air in terms of the basic elements that go together to create the agricultural layer of the landscape. I think that in people's minds the issue is, if our agricultural practices are decreasing our productivity, then we have a real problem. There is some research in that area now, but the enhancement of it, particularly long-term effects in terms of potential climatic change and aridity and irrigation and the impacts that has on soil, some of these longer-term horizons are also targeted in those research recommendations.

Mr McGuinty: Is our location in terms of our position on the globe any particular obstacle? I know they are more advanced in terms of some of the programs they have for organic farming in California and some of the southern states than we are. Does that factor into this at

all? Is that going to make it more difficult for our farmers to adopt those kinds of programs?

Ms Tyler: The best understanding I have from the research institute on climatic change at the University of Waterloo is that for southern Ontario, the particular type of change we are going to experience is going to be in the type of storm we get. We are not going to get seasonal rains; we are going to get convection storms, and the problem that creates, somewhat along the lines of Texas, with more wind storms and very intense convection storms, is an incredible impact on storm water runoff.

Mr McGuinty: Actually, what I was getting at is the length of our growing season. How does that affect the approach we would take to organic farming?

Ms Tyler: Let's go back to the previous point. With the soil erosion problems and the type of agricultural drainage and engineering we are using may have to be modified. We may have to modify that because the growing season will potentially be longer, but more extreme. In other words, there is a certain range which, in terms of temperature, is optimal, but then you start pushing the optimal range, which we would do. Then we may identify a more adaptive switch in the type of cropping that is done and the type of agricultural engineering and irrigation for drainage purposes for clay soils, of which we have a number, which create particular problems. So it will be specific and regional. My understanding from talking to ARIO is that the research stations that are administered under contract by the University of Guelph and the two that are proposed are intended to look at similar impacts on different soil types. I think the answer is soil-specific in terms of type.

Mr McLean: Can you tell me what experience you have had in the agricultural field?

Ms Tyler: I would be happy to. I grew up in a family where my father was a crop adjuster for Co-operative Hail Insurance Co, so I started out having some familiarity. I worked for the federal Department of Agriculture at the Lethbridge research station in veterinary entomology, doing biological control for the warble fly, a particular pest in southern Alberta. Then at one point I worked as a ranch hand at a canyon ranch in Hundred Mile House, BC, for a year on a sabbatical from graduate school. We were doing a specialized breeding program in artificial insemination of Simmental cattle and quarter horses, a particular American quarter horse breed that the owner of the ranch was doing. We had the whole mixed farm—sheep, cropping, irrigation—so I have had some direct experience in terms of working in a farming area and also through the agriculture research station in Lethbridge.

Mr McLean: You have been asked some questions, and one question pertained to farmers not getting paid enough for their produce. You answered it by talking about the research trust fund and community development. We never got an answer to how farmers are going to get paid more. You were asked a question with regard to how they can stay on the family farm, and you said economics can prove anything if you have the right formula. You are talking like a lawyer now. Farmers cannot make a dollar on

the farm was another question, and you talked about chemicals. I would like to know from you how we are going to keep the farmers on the farm when they are getting \$2 a bushel and \$75 for a ton of grain, less than they were getting in the 1930s. How are we going to keep them on the farm?

Ms Tyler: I have to qualify my answer by saying that if I knew the answer, I would probably be an elected official or someone far more important than I am right now. What I am trying to get at is that my area of expertise is not economics, and I am also not in a position to talk about some of the global externalities that are affecting market prices, not just in agriculture but in all other industrial sectors that are experiencing the same problems that agriculture is. I do not think even the government of Canada or the government of Ontario really understands or knows what is best in terms of approaching that problem.

All I am trying to suggest is that from the point of view of what research can do, which is the function of the Agricultural Research Institute of Ontario, there are certain areas that we can look into that would try to balance or change economic efficiencies. Technology can change economic efficiencies. The types of chemicals or the types of farming practices can change economic efficiencies. But the things that influence market factors go well beyond local issues and well beyond my expertise and the mandate of ARIO. In all honesty, I could probably try to give you a personal insight, but it would not be based on any kind of expertise.

Mr McLean: I do not think anybody has the answer, and if they had, I would like to know who it is. We were talking to the bankers the other day with the Minister of Agriculture and Food here, and nobody seems to know what the answer is for better prices for their products. Somebody has to find it pretty soon or we are going to have thousands and thousand of people out there who have land sitting vacant. It is unfortunate. I think methanol to use corn is going to be one of our saviours if we can get on with making fuel out of that.

The Chair: Thank you very much, Doctor, for being here today. We appreciate it. Good luck.

JOHN EAKINS

The Chair: The next witness, again a selection of the government party, is John Eakins, who is the intended appointee as a member of Ontario Place Corp board of directors and no stranger to this room. Mr Eakins, come forward, please. Welcome to the committee. It is good to see you again. Do you have any opening comments before we get into questions?

Mr Eakins: No. It is great to be back. It is, I guess, one year since I was in the building, and it is great just to come back and say hello and see how things are going.

Mr Waters: I would like to welcome you to the committee. It is nice to finally actually meet you. As an aside, I have a brother-in-law in your riding with the same name who keeps getting your mail, so in my family you have been well known for a number of years.

I would like to congratulate you on it. I would like your opinion on the change that has been instituted this year at Ontario Place, without having the admission charge, whether you feel that is a positive step or you are supportive of that. I guess the mind is still open on the topic.

1120

Mr Eakins: Thank you for the opportunity to be here and answer any questions any members might have. With regard to Ontario Place, it is an institution close to my heart. I have some very strong feelings about Ontario Place.

With regard to your question, I think that was an interesting initiative they took this year. I do not know the full background of how successful it has been, but it has always been my view that Ontario Place should be available to all citizens and that many people who cannot afford to access that facility should not be kept away because of financial resources. I see it as a focus for Ontario and I think the step the board and government have taken in that regard is a very interesting one. Trying to make up the revenues from within rather than without looks like an interesting idea. I look forward to hearing more about it.

Mr Wiseman: I have two questions. Do you have any idea how many residents from your local area would make it to Ontario Place or any of the cultural events in Toronto?

Mr Eakins: I think the area where I live would be symbolic of many areas of the province. When they have an opportunity, they like to visit Ontario Place. Many people attend when there is a special program of interest to them. I know that in my former life I had lots of calls for tickets for people to be able to attend certain concerts. There is no doubt that the majority of the people are from the larger Metro area, but being the focus it is for the province, I think it should be available for everyone. I feel it is being accessed by a wider area than we really think.

Mr Wiseman: To continue, in our background notes, I am going to quote, "Ontario Place has never attained self-sufficiency in its operating budget: It regularly finances about 80% of this budget out of its own revenues, but the remaining 20% comes from the province in the form of an annual operating grant." Do you think it should be a goal that Ontario Place should achieve self-sufficiency in its revenue?

Mr Eakins: I think it is a good objective and I really feel that Ontario Place must be administered well. I do not think it should be a sink-hole for a lot of provincial funds to be put in there. On the other hand, I think we have to look at what is the purpose of Ontario Place. I see it personally, through my earlier responsibilities, as a focus for the province for visitors, and especially for the tourism industry, which is badly in need of support at this time and is one of the great industries of the province, to which we sometimes do not give the profile we should. I see Ontario Place as serving that interest.

We have to look at what the objectives are and to what extent the investment put into Ontario Place serves that purpose. Having said that, I think we should aim to operate in the black if it is at all possible. That is maybe why one

of the initiatives this year was to have free admission but pay for the concerts. It is an interesting concept and perhaps there are other areas Ontario Place might develop to bring us closer to breaking even.

Mr Wiseman: That was actually my next question. Do you have any ideas or plans you would like to implement to promote Ontario Place?

Mr Eakins: I do not have any preconceived ideas of what should be done, because I am not sure what is being done at the present time. The present initiative is a good one. I feel there are a number of areas we might give more focus to, so it is more attractive than even it is today to visitors from outside.

I think it is a very unique facility. We have something many jurisdictions do not have, and with a little work we can give it a much higher profile. If it is going to be successful, then it has to have that profile. If it is going to be there, we should do a good job on it or not have it at all. I think our tourism hospitality industry is one of the greatest industries in this country, and in my view we have not done enough to give it the importance it deserves. Having said that, I think Ontario Place ties in really well with it.

The Chair: Anything else from government members? You have a couple of minutes. Do you want to utilize it?

Mr Wiseman: Not at the moment.

Mr McGuinty: Mr Eakins, my House leader Jim Bradley was concerned about your presence here and he asked me specifically to ask you if you had ever been a member of the New Democratic Party.

Mr Eakins: I read Mr Bradley fairly well.

Mr Marchese: You were not expecting an answer, were you?

Mr McGuinty: Actually I just have a general question. Mr Eakins, when times are tough, and these are tough times, some of the things that we have taken for granted or that we have allowed to go on become subject to question. If I were living in Kenora, for instance, and learned that Ontario Place was using up some tax revenues and not even breaking even, what argument would you make that would encourage me to continue supporting Ontario Place? I would not be able to visit it. Friends who come to see me would not be going to Ontario Place.

Mr Eakins: That is a good question. I see Ontario Place as a focus for the total province, the Metropolitan Toronto area being the centre of government and many

other areas. People come from all countries of the world and most come to the Metro area. I see it as a place to sell the province to people from afar.

The people of Kenora or far northern Ontario might not be able to access it to the degree that others can. I think what we should be doing is making sure there are those facilities, and perhaps I am speaking out of line, but I feel the tourism industry should be in a state where we provide attractions in various parts of the province. We should not say, "Because they can't access it, we shouldn't have it."

I think we should look at ways of promoting the north down here as well as providing facilities in northern Ontario. I think a number of steps were taken a while back to do that, because northern Ontario is a beautiful area of the world and we should be doing things to help the north rather than be divisive. I think that can be done. Certainly my view of Ontario Place is that it should be used as a focus, a focal point to promote the entire province through the people we can bring here.

The Chair: Mr Eakins, Mr McLean asked me to convey to you his best wishes and his full support for your nomination. He had to go back to his riding. I want to echo that as well and wish you well with your new responsibilities.

The final matter on our agenda is the determination of whether or not the committee concurs in the appointments that were reviewed. This is a new element of the new standing order. We used to do this at the subsequent meeting. I would like to initiate another procedure, unless there is a dissenting voice heard, that we deal with all the intended appointees in one motion. What I am looking for from some member of the committee is a motion to concur with the intended appointments reviewed today. It is moved by Mr Wiseman. Is there any discussion on any of the appointees who appeared before us?

Mr McGuinty: Just a point of clarification: Are we voting sort of en bloc here? Is that what we are doing?

The Chair: Yes. There will be occasions when a member or members will want to express concern about a specific appointee and then we will have to deal with them on an individual basis, but we do not appear to have that sort of thing today. All in favour of the motion? Opposed?

Motion agreed to.

The Chair: That is it. Thank you very much. The meeting is adjourned.

The committee adjourned at 1131.

CONTENTS

Wednesday 25 September 1991

| | |
|---------------------|--------|
| Subcommittee report | .A-617 |
| Appointments review | .A-617 |
| Bonnie Burgess | .A-617 |
| Angelo Towndale | .A-620 |
| Mary-Ellen Tyler | .A-623 |
| John Eakins | .A-626 |

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First Session, 35th Parliament

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Wednesday 2 October 1991

Standing committee on government agencies

Appointments review

Assemblée législative de l'Ontario

Première session, 35^e législature

Journal des débats (Hansard)

Le mercredi 2 octobre 1991

Comité permanent des organismes gouvernementaux

Révision des nominations



Chair: Robert W. Runciman
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Table of Contents

Table of Contents for proceedings reported in this issue appears at the back, together with a list of committee members and other members taking part.

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La table des matières des séances rapportées dans ce numéro se trouve à l'arrière de ce fascicule, ainsi qu'une liste des membres du comité et des autres députés ayant participé.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 2 October 1991

The committee met at 1007 in room 228.

APPOINTMENTS REVIEW

Resuming consideration of intended appointments.

MITCHELL A. H. LEVINE

The Chair: The first item on our agenda this morning is the half-hour review of an intended appointee selected by the official opposition, Dr Mitchell Levine. He is the intended appointee as chair of the Drug Quality and Therapeutics Committee. Welcome to the committee. This is a half-hour review, with 10 minutes allocated to each party for questions and responses. Do you have any brief comments you would like to make at the outset?

Dr Levine: No, I am prepared to discuss whatever the members would like about the committee and myself.

Mr Grandmaître: Doctor, can you tell us about your new responsibilities with the Drug Quality and Therapeutics Committee? Can you tell us what you know about the job or what your responsibilities will be as chair?

Dr Levine: Specifically as chair, because I have been on the committee now for two years, the new responsibilities associated with the chair involve ensuring that the functioning of the committee runs smoothly, that the discussions that take place around drugs that are to be decided upon, in terms of their entry under coverage for the drug benefit plan, are balanced, and that all the kinds of viewpoints that would be important to bring out are in fact expressed in discussion during the meeting. That is probably one of the key things in terms of the actual operations at the time the committee meets.

In addition, there is the need for the chair to help advise the ministry in terms of the future appointments of other members to the chair, appointments to the subcommittees of the committee. These are in addition to the functioning, actually, of the committee. There are some kinds of administrative roles advising the minister on how the committee should be put together, but at the actual committee level, it is to ensure that there is a good, free exchange of information so that the best possible decisions can be made by the committee, and that advice is then forwarded to the minister for disposal or a decision to act on.

Mr Grandmaître: In the last three, four, maybe five years, the Ontario Drug Benefit Formulary has been a topic of great discussions. What is the role of your people, your committee, and the pharmacists? Do you meet with these people?

Dr Levine: Which people? "These people" being pharmacists?

Mr Grandmaître: Pharmacists.

Dr Levine: We have representation of pharmacists on the committee. In addition, there is a subcommittee that

has been part of a communications or liaison group, which can meet with other parties that would be interested in having input into this committee. But by and large, the committee's role is to receive information about requests for addition to the Ontario Drug Benefit Formulary. Then the committee looks over these requests and tries to decide, in the best interests of the public, whether drugs should be added or limited, in terms of their addition or accessibility, through the benefits program, so that in a time of scarce resources there is the most rational use of drugs, and they are made available to the people who are the beneficiaries of the program.

We simply advise the minister what we think is the most rational and best way to use drugs and to have a benefits program, and the ministry makes the decisions as to what they do with our advice.

Mr Grandmaître: Also, more and more new drugs are appearing on the market, and I am sure it does not make your job any easier. What is the approach of the committee when you are faced with these kinds of problems with interchangeable drugs?

Dr Levine: Typically, with a new drug that comes to the attention of the committee, the things we look at are: Has there been demonstrated efficacy, does this drug do what it says it is supposed to do, and is it safe?

The next step is to look at whether it is really effective, in terms of the goals or objectives it should have, on the population that is using the drug. Then we take that and put it into the perspective of what other drugs are available: Is this something that is adding something new or is it simply repeating what other available drugs do. Particularly when it is the latter group, when there really is not that much difference from what is already available through the program, we very carefully look at cost, because all things being equal, we would have to ensure that the money is spent wisely. We look at both cost and effectiveness in the sense of trying to decide the cost-effectiveness of scarce resources to ensure that drugs are available but used wisely and rationally.

For the drugs that are interchangeable, what we try to do is look at the issue of whether they are clearly interchangeable in terms of when a patient uses them; are they going to get the same effect as the drugs they are being interchanged for? If we are satisfied on that point, then we usually recommend that they be added to the formulary. The second benefit that would come out of that is that this will usually bring costs down because of the competition that is occurring as a result.

Mr Grandmaître: One last question on the cost of these drugs: Your responsibility I suppose is to provide drugs to needy people, needy families, so they can have access to free drugs. With all the budget cuts that we are talking about, how will this affect your judgement?

Dr Levine: In a sense, I do not think our judgement is going to be changed at all. Over the last number of years in which I have been a member and in the years that preceded me, there has been a strong focus that the committee tries to advise the minister on how to rationally use drugs, and "rationally use drugs" does not necessarily mean adding more drugs. It may mean decreasing the number of drugs to ensure that you are getting the biggest bang for your buck in terms of the way drugs are used. So that focus has been there all along, and I think in the times of cuts, some of this advice may turn into action. So I am not really concerned that cuts are necessarily going to jeopardize the quality of the drugs that are available to the public who need them.

I think we can take the impetus to employ more rational drug therapy as a result of the pressures of scarce resources and economics.

Mr Grandmaitre: If you do have the cut on your budget or cost, do you not think that you will be using more interchangeable drugs than the more popular?

Dr Levine: The issue of interchangeable drugs really is not affected as much by that issue because once a drug is interchangeable under the rules that stand, if we can deem that the drug is in fact interchangeable, there is no reason to prevent it from being added to the formulary. If we think it is safe and the public interest is being served by it being added, we add it.

The issue will come about when new drugs, which are usually considerably more expensive than established drugs, come before the committee. If we can justify that there is an added benefit for added cost, we will add it, but if there is not added benefit for added cost, we are likely to give the advice that we have in the past, that maybe this drug should not be added, that it is just not worth the extra cost. I think in these times of restraint, that recommendation is more likely to be heeded, so I think that is where the focus is going to change. The philosophy is not really going to change that much. I think some of the advice or recommendations may turn into actions.

Mr Grandmaitre: Thank you.

Mr McLean: I really have not got any questions for you. I have observed that you have been on the board for some time, and you are now being appointed chairman, which is proper and satisfactory to me. I just have to observe that we are wasting time dealing with these appointees who are already, so to speak, appointed, when we could be dealing with things like the Dome—

Mr Wiseman: Mr Chairman, I think this is out of order.

Mr McLean: —and other things that are important to this committee. This committee should be dealing with something that is fundamentally important to the province such as an investigation into SkyDome and other things in this province.

Ms Carter: This is important.

Mr McLean: They are already appointed. I see it as wasting time interviewing people who are well qualified. I see nothing wrong with the appointment, but to be here to rubber-stamp an appointment is a waste of time to me.

This will be the last day that I will be sitting on this committee.

The Chair: A member of the government party, Mr Frankford.

Mr Frankford: I start off by responding to Mr McLean, because I think this is an excellent opportunity of not just interviewing you as an individual, but informing my colleagues on all sides about what your agency is doing. I think it is an extremely important agency because significant costs are associated with it, and people are using drugs every day and will continue to do so in the long term. I totally disagree with Mr McLean's feeling that we are here just to review you as an individual.

Having said that, perhaps I could get into some questions relating to you and the agency. Perhaps I should identify myself as a physician, so I have also used the products of your labours. I guess I am correct that it is the formulary that really is the primary thing that the committee is producing?

Dr Levine: That is correct. It decides which drug products would be available on the formulary, which implies that the ministry would then pay for benefits of those products through the Ontario drug benefits program.

Mr Frankford: Perhaps you could make some comments, express your thoughts about the use that physicians in general are making of the formulary.

Dr Levine: I think the physicians' at-large knowledge of the formulary is rather limited. I think physicians find out about it by prescribing a drug to somebody who is eligible for the program, then finding out it is not on the formulary, so the patient will come back and say, "This drug cost me out of pocket so many dollars when I anticipated I would get it..." So it is on a kind of ad hoc basis that physicians find out.

I think if physicians had more advanced knowledge about why we put drugs on the formulary and why we exclude some drugs, that would help keep in front of the physicians' minds the rationale behind cost-effective utilization of drugs. I think this in some ways has been disappointing, that physicians do not have sufficient knowledge about the formulary. But the ministry, through its regulations and administering of the formulary, enforces the product of the formulary.

1020

Mr Frankford: Would you feel that it is your job and the committee's job to make it more presentable to physicians and something that is used more in practice?

Dr Levine: Yes. Physician awareness of the formulary and putting extra information into the formulary has been one of the topics of discussion at the committee level. We have talked about not only listing the drugs but putting in that these drugs are listed and therefore available to anybody who prescribes them to somebody who is on the benefit program. What we have said is that giving carte blanche is not necessarily the best thing.

What we would like to do is remind physicians about the appropriate use of the drug. It is going to be covered under the plan regardless of who they give it to, as long as that person is covered. We could say that there are certain

indications where this is appropriate, other indications where an alternative is better. It would be a much more educational tool than it has been in the past. We have come to that process.

The other thing that is being changed right now with the formulary is, we are considering going to a more continuous cycle. Right now it is published twice a year. But to have it more dynamic and have it change continuously would lead to problems in terms of publishing the document itself. There are other options available, computer discs and computer software, to inform physicians.

Mr Frankford: Perhaps I could elaborate on the two things you mentioned about more text. I am sorry I did not bring one, because I do not think my colleagues here really know what it looks like, but it really is just a listing, is it not?

Dr Levine: It is a book which lists all the drugs that are available through the Ontario drug benefit plan, categorized by the types of drugs. Beside it is the best-available price for that product. If it is a single product and there is no substitution, it is the price of that product. If there are three drugs that are similar and are equal and can be substituted, all that is listed is the best-available price.

If the physicians knew more about that, they could use it to find that there are certain drugs they might prescribe, which are considered equivalent by our committee, and are less costly to their patients. They can actually use this information in practice beyond patients eligible for the plan. They would appreciate that for their patients who are not under the plan.

Mr Frankford: There are other formularies in other parts of the world which have a great deal of text.

Dr Levine: Yes.

Mr Frankford: I am thinking in particular of the British National Formulary, and there may well be others like that.

Dr Levine: The Australian as well has a large component of educational and directive information on how to best use drugs.

Mr Frankford: Do you feel it is practical that you should be producing the same, or would you like to take advantage of some co-operative arrangement and borrow the text from other places?

Dr Levine: We talked about trying to, as I say, put in more information that would be of educational value to physicians, but we have not taken that step. I think there is some merit to that. As a matter of trying to get it to work, to be feasible, to have it dynamic, so that it changes, so that physicians are not left with stale information that is outdated, that would be one component. We also realize that there are other ways to alter physician-prescribing behaviour to make it more rational beyond simply putting things in print, because physicians do not always read what they are supposed to read.

Mr Frankford: So the ministry has given you a mandate to encourage rational drug use.

Dr Levine: I have noticed over the last two years that I have been a member of that committee there has been a change in tone in that the advice the committee has been giving for the last number of years has been pretty consistent.

Rational therapy, the most cost-effective use of drugs, has been a priority, but the ministry seems to be getting more sensitive over the last two years in trying to implement some of the advice that we are giving.

Mr Frankford: You mentioned computer discs or, let's say, electronic methods. Would you like to elaborate on that?

Dr Levine: There are certainly a number of options of how information can be given to physicians, and that is increasing with the greater access to computers in most physicians' offices. One could put the formulary on disc. There are a number of pilot projects being undertaken throughout the province where physicians order their prescriptions through computer. They put the prescription into the computer and then there are a number of checks and balances against diagnoses, age and other issues that might direct the physician as to how he might more rationally use drug therapy.

Mr Frankford: I am not particularly familiar with that, but how does Ontario rate? Is this something where we are ahead of the field or behind?

Dr Levine: No. Probably the British system is ahead of the field in terms of the use of computers in physicians' offices to try to improve physicians' practices. In this sense I think North America is behind Britain, and Canada may be the same as or slightly behind parts of the United States.

Mr Frankford: I have discussed the formulary with pharmacists. The question they have raised is the timeliness, and that drugs which are being prescribed may not be in this. I think another one is that prices change and they may get hit or they may make an unexpected profit by prices changing from what is listed in the formulary.

Dr Levine: There is a clear initiative to try to implement a dynamic formulary which would be amenable to changes continuously throughout the year as opposed to this biannual process at the moment.

Mr Frankford: That sounds as though an electronic method would be by far the easiest—

Dr Levine: I think it would adapt to that change much better than obviously a published hard-copy document.

Mr Frankford: I suspect it might be easier to communicate with pharmacists than doctors, because they have a real financial interest in it.

Dr Levine: What one would ultimately really like—and many of you may have heard about the smart card process whereby a patient would have on his or her card the drugs he or she is receiving through the benefit program. It would have other important and relevant medical information, but the pharmacist would be allowed to access what is relevant for his duties in terms of health care. Physicians would access other components of the card. You would have a constant flow of relevant and important information. That is really, I think, the way of the future. That has been adopted in a number of countries and parts of the United States where this little credit card, which is actually a computer chip, carries a tremendous amount of information. I think that would make the functioning of the Ontario drug benefit plan sufficiently more rational and

useful. That would be a major step in terms of using computers to improve the quality of health care delivered here.

Mr Frankford: Are these your general thoughts or is this something which the committee has actually implemented?

Dr Levine: The committee has had discussions about smart cards, but we are basically waiting for the lead to be taken by other, more appropriate departments or groups within the Ministry of Health.

Mr Frankford: Have I no more time?

The Chair: You are over your 10, actually. I was going to steal a couple of minutes of Mr McLean's time because I recall being a member of Management Board in 1985 and the drug benefit plan was costing taxpayers over some \$300 million then. Bette Stephenson was the Chairman of Management Board, trying to do things. I am looking at the costs our researchers provided us with. The costs are going up over \$100 million a year. It is staggering. Are you familiar with comparable plans in other jurisdictions in Canada? Is this the most generous?

Dr Levine: It probably would be one of the most generous. There are two issues. One is, what we are willing to pay for people who are in the plan. I think in that sense we are very generous. There are very few exclusions over the course of time. The other issue is, who is covered by the plan. That has some impact, of course. In difficult economic times there are more people on social assistance, and as one becomes eligible for social assistance one becomes eligible for the plan. That may have driven up the cost, let's say, in the last year.

But that aside, I think costs are going up because of the plan's generosity in terms of including all drugs, regardless of whether there is really a better effect for the increase in dollars being spent on newer, more expensive drugs.

1030

The Chair: You may not want to comment on this recommendation of the Lowy inquiry with respect to ensuring that people in real need are the recipients of this assistance rather than the people who may be worth millions of dollars but who are benefiting from this generosity as well. He was talking about free drugs to those over 65 being provided only to those with an income of less than \$10,000 approximately or \$16,000-some for couples, which would save the taxpayers, at the time he did the inquiry, about \$111 million. Do you have any views on that?

Dr Levine: I guess if I was asked how I would do it and say that perhaps there is a population that is less able to pay for than another, I would say, rather, that we should ensure that even people who have actually good incomes should not be penalized if in fact all of a sudden their costs are going up. There might be a deductible, which has been implemented in the province of Saskatchewan, as an example. Rather than cut out a certain segment of the population from the benefits, say there was a deductible for that group. They could afford the deductible, but when the costs became very high, even people who are more financially solvent should not be excessively penalized. If you are unlucky

enough to be on \$400 a month of drugs, that is a lot of money regardless of how well you have been pensioned.

I would be concerned about simply cutting off a group cold. I think the bottom line is that you want to make sure nobody is going to go without drugs because he cannot afford it. That is the bottom line. How you work that out, I guess there are a lot of different ways, but I think the bottom line is if you cannot afford the drugs, and you need them, and they are rationally to be used, then the province should assist those people regardless of what other factors are coming into play.

The Chair: The other side of the coin, of course, is that if you can afford it you should be paying the bill, not the taxpayer, generally. Many people paying the bills have significantly lower incomes than the people who are benefiting from that subsidization. That is another element that has to be considered. In any event, what is your experience in dealing with the government, past and present, with respect to recommendations you make?

Dr Levine: I think there has been a change in tone to increasingly adopt the recommendations or the advice of the committee, in terms of trying to make the program more rational. It is a lot of money spent, and I think that over the years there has been money that probably could be better spent elsewhere without jeopardizing the quality of health. I think that should be our focus. If there is waste in terms of the drugs—and the Lowy report certainly outlines some of the areas of concern—I think there is a genuine interest by the government to change that.

The Chair: Thank you very much, Doctor. We appreciate your appearance here this morning and we wish you well.

Dr Levine: Thank you.

MARY SHARON BRODERICK

The Chair: The next witness is Mary Sharon Broderick who is an intended appointee as a member of the Liquor Control Board of Ontario. Ms Broderick, welcome to the committee. You were selected for review by the government party, and I think you probably understand the process. It is a half-hour review with 10 minutes allocated to each party.

Ms Broderick: Yes, I understand that.

The Chair: Do you have any comments you would like to make before we begin?

Ms Broderick: Yes, I do. I thought I might just introduce myself to the members briefly. For the past 10 years I have been a member of the faculty of business at Brock University where I have lectured in marketing management and consumer behaviour. I was born and raised in the Niagara Peninsula and am now living there again. I have obviously had a concern for and an interest in the wine industry in Ontario. I have watched closely as its recognition has grown worldwide.

I have had occasion to consider the Liquor Control Board of Ontario in several of the courses that I teach, and I see it as an organization that has responded to an ever-changing environment, and has had to adapt its policies and procedures because it has faced an increasingly competitive

environment and one which has changed radically over the course of the last 10 years.

I have read its strategic report for 1991-92, and I feel I could contribute to the board as it meets its future challenges. I am most enthusiastic regarding this nomination.

Mr Waters: You raised an interesting topic, seeing as how last night we had an opportunity to do some wine tasting here to select a wine for the House. As I look through the backgrounder on the LCBO, I see that Canadian wines' share of the market is only 33%. Part of the principles and objectives for the LCBO is to support the Ontario wine industry. I wondered if you could give us your feelings on how you might be able to change it. European wine is 60% of the local consumption, so I was wondering if you had any ideas on how you could change that around.

Ms Broderick: I think there is a perceptual problem in Canada, that it takes international recognition of our wines before they are believed to be of superior quality here in Canada, such as the award that was won recently by Inniskillin Wines. I think they won a gold medal or a silver medal for their ice wine. That kind of international recognition is critical.

I also believe the support of the government will be something that changes those numbers around. I have some familiarity with this promotion they are currently mounting. I think the timing is good, because this past summer has been the best summer for the wine growers in the peninsula, so they will be producing what I perceive to be—and I am not an expert on wine growing—a superior product. I think a superior product, coupled with a good promotion strategy, should generate additional awareness in the marketplace and should increase that number.

Mr Waters: In essence, at the board you would be promoting that we come up with a strategy to—

Ms Broderick: No, I understand they already do have a strategy. I am not altogether familiar with what my role would be at the board. At this point, I am simply a nominee and a lay appointment. I am not altogether familiar with what my position would entail.

Mr Wiseman: I have read the LCBO brochure. You said that the LCBO is in a competitive market. Who are they competing against?

Ms Broderick: I believe they are competing against international producers of spirits and wines. I assume their greatest concern is cross-border shopping.

Mr Wiseman: Just going back to the first point, since all the liquor that is sold in Ontario has to go through the LCBO, and the mandate of the LCBO is to control the sale, I still do not know who you are competing against, other than the cross-border shopping. I understand that issue, but other than that I do not understand who you are competing against.

Ms Broderick: I think my comments were more in keeping with the changing environment in which a business such as the LCBO operates. It is an environment where there are changes in people's behaviour. It is internal, I think, to a certain extent. I read with interest that sales of certain kinds of spirits increased where sales of other kinds

of spirits decreased. Now, I am not advocating that this is the kind of business where you promote consumption, but at the same time I believe they are dealing in a dynamic environment, and competition is primarily from the US.

Mr Wiseman: If the challenge of the LCBO is to control consumption, then the fact that liquor consumption is declining would be seen as a good thing. Why would you spend a lot of money and make a lot of effort at sprucing up stores if your goal is to continue to decrease consumption?

Ms Broderick: I think their goal is to offer a responsible drinker the opportunity to purchase. I believe the decrease in the consumption of liquor is a good thing. It represents an increasing awareness of health and fitness. People are more concerned about lifestyle. I believe the Liquor Control Board of Ontario should be a consumer-oriented organization. It should offer service to people who want to buy liquor. I do not think that by sprucing up stores you are necessarily encouraging people to drink more. I think you are just making it a more pleasant environment in which to shop.

1040

Mr Wiseman: The difficulty I am having here is that the LCBO has controlled the sale of liquor in this province for a long time. They found that some changes were necessary, I do not disagree with that. But if one of the other goals of the liquor control board is profitability and turning that money over to the province, why are we spending all this money on sprucing up stores, and why are we spending money in the liquor control board to increase the number of ad people available, from a few to over 40, when the goal is to decrease consumption?

You are talking about marketing, and everything that you are saying would make a whole lot of sense if you wanted to increase the sale of the product, but if your goal is to decrease the sale of the product and make sure that people are drinking less and abusing it less, then why all this?

Ms Broderick: I think their decision to become more interested in offering an environment which is pleasant, which is convenient, is something that is not designed to encourage more drinking but is simply designed to make it a more pleasant environment for you to purchase in. I am not familiar with all of these areas. As I said, I am a lay appointment. I have read the strategic report, but I have certainly not gone into the detail that answering that question would require.

Mr Wiseman: How much time is left, Mr Chair?

The Chair: You have used up close to seven minutes. You have three—

Mr Wiseman: Mr Frankford has a question, then if I have time, I will come back.

Mr Frankford: The LCBO really has a number of goals which do not necessarily go together, like increasing sales and supporting the local industry and raising taxes and responsible drinking. Another area where I think it has an impact is as a major retailer. I think it is called an anchor tenant in shopping areas. Do you have any views on the impact and any policies which should change around the placing of stores? I am thinking of big shopping mall stores versus smaller downtown stores. I can think of

some small Ontario towns where the main streets really could do with more business brought into them. Do you agree, and is this something you would like to work on?

Ms Broderick: Location research as it applies to retail suggests that most growth is occurring in strip malls, although obviously this would be the kind of retail outlet that would generate traffic and so could likely be positioned in a downtown location. It is difficult, because this kind of a product is one where you want people to behave in a responsible fashion and it is, I think, important to make it available, but not to make it so available that perhaps problems develop. I do believe that location is a critical fact or I think it should not be positioned in remote locations, difficult to get at. At the same time, I believe that it should not be someplace that could create problems.

Mr Frankford: Just one last comment. I guess when you say responsible behaviour, since people are not actually drinking at the time, I would suggest that possibly responsible behaviour would be that you do not go in a car. Maybe it would be more responsible to have it in a place where you primarily walk.

Ms Broderick: That is possible.

Mr Wiseman: My last question is, since today is Zero Garbage Day and the liquor control board has done virtually nothing in terms of recycling, what kind of ideas and what kind of effort would you bring to promote that?

Ms Broderick: I would suggest they are doing something. I think they are making an effort to encourage returning the bottles to the LCBO outlet—

Mr Wiseman: I understand they are thrown in the garbage when they get there.

Ms Broderick: There is sorting. I understand that was taken out of context at least, as much as I know about it, people were returning the bottles, LCBO employees were advised to be pleasant and they were supposed to have been sorted. But at the same time, you are right; I think there is a lot of concern overall for excess packaging, for refilling, for returning, for recycling. I think all of those are challenges that face LCBO in the future.

Mr Grandmaître: I was interested in your opening remarks. Your strengths are in marketing and promoting. I want to follow up on Mr Wiseman's type of question. What we are seeing in Ontario, not only in Ontario but right across Canada, is that consumption is going down. I know one of the objectives of LCBO is profits; you have to make a profit. If consumption is going down, what will be your advice, as a marketing expert, to LCBO to keep its profits up?

Ms Broderick: I believe taxes obviously are the primary concern here. You cannot encourage people to drink more, but I think if you offer a quality product, if part of that quality image is as a result of the price, I suppose, as with anything else, the price increases as the demand goes down. If there is to be a way to maintain revenue, and I think the province enjoys a substantial amount of revenue from the sale of liquor, then you want to maintain that. I think you also would like to see that programs that are supported by or have some support from the sale of liquor

in this province are maintained as well. I expect it is a pricing situation.

Mr Grandmaître: So as a marketing expert, interested in the declining consumption in Ontario, you would not hesitate to recommend higher prices? Again, as a marketing expert.

Ms Broderick: I do not advance myself as an expert, thank you very much.

Mr Grandmaître: Nobody is an expert in this room, believe us.

Mr Broderick: I believe it very much depends upon the sensitivity of the market price. Obviously there are thresholds beyond which people will not pay, but I believe that in this instance you do not have a lot of variables to work with. Promoting consumption is unacceptable. Distribution is controlled. The product and the price are really the only two variables you can work with, so if you are offering a superior product at a convenient location, the price should reflect that.

Mr Grandmaître: I agree with you that you are aiming for quality products. I have noticed in the last maybe three, four, five years that the LCBO is in the real estate business. They are picking the best possible spots in town—strip malls, main drags. In real estate there are only three things that are important—location, location, location. How come you people are picking the best possible spots in town to make it more accessible for people, with parking and so on and so forth, and yet we are promoting a lot of things in this province to encourage responsible drinkers. How come you are picking these spots?

Ms Broderick: I think that is all part of the—

Mr Grandmaître: Marketing business?

1050

Ms Broderick: No, I think it is part of the mission. I think the LCBO has become a consumer-oriented organization, and if you are a consumer-oriented organization you are concerned with offering your customer convenience. These locations are convenient locations. It is part of a market-driven approach to business.

Mr Grandmaître: One last question. The LCBO is a crown corporation. Do you think one day in the near future it will be privatized? Should it be privatized?

Ms Broderick: It is my belief that the Liquor Control Board is the best possible way of distributing spirits and wine in this province.

The Chair: Mr McLean, do you have any questions?

Mr McLean: No questions. I wish you well.

Ms Broderick: Thank you.

The Chair: I would like to take advantage of the opportunity to pursue that last question just a bit.

You talked about distribution and you recommended the LCBO as the best source of distribution. But LCBO has another arm, the retail arm, not simply the distribution side of the equation. I guess, as someone who has an MBA, I am curious about your views in respect to a monopoly. I think historically monopolies do not have the same kinds of efficiencies as those who have to compete. I would like

to hear your views on that. I know—I believe, anyway, without having an in-depth look at the operations of the LCBO—that is one of the things, with your background, that you could take a look at, the efficiencies of the operation versus comparable sorts of operations within the North American jurisdiction, if you will. I wonder if you have any views on that.

There has been a lot of talk over the years about privatization of the LCBO. I can see the retail side of it being privatized and perhaps the distribution side remaining within government control, but I always have had difficulty with government Big Brother being the folks who dispense alcoholic beverages over the counter to us folks who cannot think for ourselves.

Ms Broderick: That is an issue that I would have to consider for more than just the couple of seconds I have here, but I do believe it is an efficient way of distributing alcohol at this point. I think their mandate is control, and I think that should be maintained at this point.

The Chair: Why not just lock the doors?

Ms Broderick: Yes, well, I think it should also be available, but it is not necessarily true that things that are taken over by the private sector are run more efficiently.

The Chair: Not necessarily. Thank you very much. We appreciate your appearance here today. We wish you well.

Ms Broderick: Thank you.

HERBERT NABIGON

The Chair: The next witness is Herbert Nabigon. Mr Nabigon is an intended appointee as a member of the Northern Region Board of Parole. Again, this is a maximum half-hour review. Mr Nabigon was selected for review by the government party. I will give you an opportunity to say something briefly if you wish, or we can get right into questions. How would you like to handle it?

Mr Nabigon: I would prefer you to get right into the questions.

Mr Wiseman: I am pleased you are here. I would like you to describe a little bit your views of how the parole program in the north should work and what the problems are that you think should be addressed.

Mr Nabigon: I am not an expert on the parole board per se, but I know in the north it is common knowledge that there is regional disparity in terms of economic wellbeing in that part of the province. Because of that, there tends to be an increase in incarceration, especially among the native people. There are a lot of reasons for that, multicausal factors, not one single factor that relates to why a lot of native people end up in our institutions.

I think the parole board should be more sensitive to those kinds of issues when it deals with policies and how they should be implemented.

Mr Wiseman: You do an awful lot of work with the Frontiers Foundation?

Mr Nabigon: Yes, I do.

Mr Wiseman: Perhaps you could describe to the committee what that work is and what that group does.

Mr Nabigon: I have been involved with them now since 1969. I have been doing volunteer work with them since then. I now work in the capacity of president of their board. Basically my function is to oversee the overall management of the organization. It is an international development agency which does a lot of recruitment for volunteers all over the world, and fund-raising activities. I work along with my executive director, Rev Charles Catto, in that capacity.

Mr Wiseman: Could you describe some of the rules? Perhaps you should also describe exactly what you do, for example, Operation Beaver and how that contributes to the wellbeing of the native community.

Mr Nabigon: Basically we have a self-help housing program and we establish partnerships in tenant communities, mostly native and some non-native, in the rural part of Ontario or Canada. That partnership exists in the sharing of the labour, and we provide all the technical expertise plus some equipment. Our volunteers come from native and non-native communities to help in the construction of these homes we work on in the north.

Mr Wiseman: Can you describe what positive effects come out of the partnerships that are created?

Mr Nabigon: As you know, the northern communities are all isolated. As I see it, the effect is a cross-cultural exchange between the volunteers and the community. It deals with the isolation a lot of people feel in the north. They have a good exchange and learn from each other, aside from the construction of the homes.

Mr Wiseman: Is there anything you see in that program that would be beneficial in terms of what you would be doing on the parole board?

Mr Nabigon: There are some possibilities in terms of recruiting volunteers from the institutions, although we have never had a recruitment drive in the institutions. One of the issues we have to be concerned about is the safety of our volunteers. We would not want to put our volunteers in an untenable situation.

Mr Wiseman: The cost of an inmate in our system is approximately \$110 a day for guards and workers, and approximately another \$5 for food and \$3 for accessories. Would you see it as more beneficial to try to keep people out of the institutions? Would that be a goal?

Mr Nabigon: I guess there are many ways to incorporate prevention programs. I see it as part of the overall responsibility of the native community not only to conceptualize, but to operationalize prevention programs so they can take care of their young more effectively. As an organization we would be prepared to work in concert with any community that wished to go in that direction.

1100

Mr Wiseman: How important would it be for the parole board to understand the cultural differences between European society as it exists now and the native society? Is this an important factor in understanding who should be paroled and who should not be?

Mr Nabigon: I have done work in the federal systems around Kingston and there is a move now by the federal government, especially in the area of corrections,

to incorporate some of the healing practices of the native community. The healing practices address the issue of reinforcing the positive identity, increasing self-esteem through tradition, and I imagine it is the same in Ontario. I have not been that involved with the Ontario correctional system, but I do know there is a serious problem, almost like a Durkheim study. I do not know if you are familiar with Durkheim. He talked about a state of anomy; that is, the absence of positive values. In a lot of our communities we have an absence of positive values. The native traditions deal with reinforcing positive values and reinforcing a positive self-image. Basically that is the kind of cross-cultural work I would like to do for the Ontario parole board.

I also have a contract with Cecil Facer Youth Centre in Sudbury, doing work with young offenders in their institutions, doing some healing circles with native young offenders from the northern district. So far, although it is a biased opinion, I think it works nicely.

Mr Grandmaitre: I was watching a very interesting program two weeks ago, on US TV, but it was good. They were talking about self-government administered by native people. One of the interesting subjects was responsibility for their own justice or judiciary system. It was very interesting to note that these people do not believe in incarcerating people for a long term of 10, 15 or 20 years. They have their own way of, if I can use the word, punishing these people. But for everyday infractions, these people are sentenced, if I can use the word "sentence", to do community work. Do you think our parole system should emulate such a process? Do you think we should have these people do community work instead of incarcerating them at a cost of \$110 a day? Do you think this is the right way to do it?

Mr Nabigon: It is a very complex question. I would have to, as in the current system, deal with it case by case, depending on the nature and the severity of the crime. Our elders are what we call spiritual leaders and they have a fairly extensive knowledge on the native justice system and how it should work. They always say one of the things that is missing in our communities is that too much is done for us. We do not have the ability to be responsible for our own decisions and our own actions. They say the whole welfare system has destroyed a lot of the native initiative. They are saying that if we want to take a meaningful role in this system, we have to first of all find ways to increase our responsibility, that with responsibility comes more freedom.

It would be the same, I guess, if the United States started to feed the Ontario people on welfare; what would happen to all the Ontario citizens? They would become dependent on that system. This is the same effect that is happening with us in the native community. We see the need for a major restructuring and a reorganizing of our communities to increase our responsibility and take care of ourselves the way we did prior to the infusion of welfare in our communities. I do not know if that answers your question. It is kind of long-winded.

Mr Grandmaitre: Do you think native people are treated fairly by our system, the parole board system?

Mr Nabigon: It is getting better. It was very ethnocentric 10, 15 years ago. The current dialogue is getting better. I

see a lot of the people who are responsible for the administration of the justice system in Ontario more receptive to new ways or innovative ways to at least provide some meaningful counselling or treatment for our young offenders and native offenders in general. I would say it is getting better. It is far from perfect, but it is getting better.

Mr Grandmaitre: Now that you are appointed to the parole board, will your friends see you as a protector?

Mr Nabigon: It depends. Like any other community, there is a wide range of opinions in the community. I think the more militant native people will probably see me as a protector of the status quo. The other opinion that comes from the elders, which I take a lot of my guidance from, says there are two sides to every story and you have to look at both sides; it cannot be all one-sided.

In my younger days, when I was in my 20s, I was very much in the radical movement of the native bid for more power and responsibility. When I was telling my grandmother about my activities and about all the injustices committed by the non-native society, the white people, she told me: "You've got to remember one thing, that the sun shines for everybody, it doesn't only shine for Indians. Our day will come when the sun shines for us also." I understand the wisdom of her words today. She was very wise and knew the dynamics of behaviour.

Mr Grandmaitre: I hope the sun shines for you for many years to come.

Mr Nabigon: Thank you.

Mr McLean: You are accepting a very responsible job and I wish you well. A lot of people will be looking up to you.

Mr Nabigon: Thank you.

The Chair: This is difficult to do this back and forth, but we do have a little bit of time left, so, Mr Waters, I will give you a chance.

Mr Waters: I just wanted to ask a question. When I was reading the background once again, I read that, "The Ontario Board of Parole operates within the legislative criteria defined by the Parole Act, which specify that the board may grant parole if it considers that: the inmate has derived maximum benefit from imprisonment." Others include, "the reform and rehabilitation of the inmate will be aided by parole...the release of the inmate on parole would not constitute an undue risk to society." It is more the first point that I wanted to ask a question on. How do you feel about that, "the inmate has derived maximum benefit from imprisonment"? When I read that, I found it sort of difficult to comprehend.

1110

Mr Nabigon: I laughed when I read that myself. To be facetious about it, if they are going to feed you for a couple of months, why not? That is the maximum benefit.

Mr Waters: I was trying to figure out how there was a benefit to the inmate being in prison but wondered if maybe I was missing something.

Mr Nabigon: To give a serious slant to that question, I have an opportunity, because of my work in the prisons doing healing circles, to meet people who say they would

rather be in jail than at home, which is a sad commentary. A lot of these young people do not have any warm places to sleep, it is like a little retreat, a holiday for them. I see where our Frontiers Foundation can provide a service to those kinds of communities, and their maximum benefit, to put it in those terms, would be very realistic for somebody who does not have a warm place to sleep.

Mr Waters: You will be in my region, because you will have the Parry Sound Jail as part of what the board covers. I can recall that when I grew up, now and then there were people who a week before Christmas used to try to get in for the winter. That is a sad commentary. Maybe that is the maximum benefit, but I do not see it as much of a benefit.

The Chair: Mr Nabigon, I have a quick question, too. There was a situation that developed in my riding, in talking to some professionals in the justice system, about an individual who is in provincial jail, sentenced for two years less a day for sexual assault on a 12-year-old girl and within three weeks he was out into the community. Obviously when this became known someone recognized him on the street or what have you. There was quite an uproar. I raised it in the Legislature and he was pulled back into the institution.

In talking to justice officials, they said there is pressure from the Ministry of the Attorney General to put these people in jail—wrongdoers, if you will—and then on the other side of the coin of course is that corrections, because of overcrowding primarily, is always under pressure to move these people out. It is a two-pronged question. I am not sure about the situation in your area, your area's responsibility, but you may be faced with those kinds of pressures perhaps, to move people out or look upon making favourable decisions, just because of jail overcrowding situations, which are not necessarily in the best interests of the community.

The other element of this is, this victim and the victim's family were not made aware of this individual's re-entry into the community. I am wondering about two things here. How are you going to deal with those kinds of pressures, how do you feel you can deal with those kinds of pressures in respect to overcrowding and moving people out who perhaps should not be moved out as quickly as is being suggested? The other side of it is, do you have any views on victims' rights? Perhaps victims should at least be made aware of the movements of a perpetrator.

Mr Nabigon: There are several aspects to deal with. One is a policy-related question that has to deal with a very explosive situation like sexual abuse. Everybody is repulsed by those type of crimes, and the community, I think, has to take priority in these types of crimes. The safety of the community should come first.

The Chair: I am glad to hear you say that.

Mr Nabigon: With regard to the overcrowding situation, I think the parole board has to be more innovative. I am sure if you take 100 prisoners and review each one's file and why he is there, most of them are there for crimes against property but not crimes against the person, so I would look at crimes against property with a lenient point

of view and look for treatment maybe, if they are alcohol-related. Most of them are there for alcohol-related crimes. But for sexual crimes, and especially abusing kids, I think society has to take a really dim view of that and implement the legislation that is there and use the frameworks to get the maximum punishment.

The overcrowding situation requires politicians to come up with some policies that will address those kinds of issues. It is a very complex question, I think, especially the overcrowding.

The Chair: Thanks very much, Mr Nabigon. We appreciate your appearing here today and wish you the best of luck.

Mr Nabigon: Thank you very much.

The Chair: Members, that completes our reviews for this morning, and again, I would like to request concurrence to deal with all of the appointees.

Mr Wiseman: Mr Chair, I would like to put a motion on the floor to defer confirmation until next week.

The Chair: You want to defer until next week?

Mr Wiseman: Yes, please.

The Chair: All right. If one member so requests, that is the way it will be handled. That concludes the business of the committee. One thing I want to request is that members of the steering committee remain here. We will have a brief meeting and hopefully be out of here in 20 minutes.

Mr McLean: On a point of order, Mr Chairman: Just for clarification purposes, is the mandate of the committee with regard to dealing with the appointees still in place in the Legislature? It was supposed to be on a trial basis.

The Chair: It is a permanent standing order.

Mr McLean: So it is continued. I guess the other question that I have is and you can clarify it for me, are we going to be dealing with any agencies, boards or commissions during this next period of time, or are we going to continually deal with appointments until the session is done in December?

The Chair: I will respond to that and then Mr Waters can say something. We had an agreement that for at least one sitting per month we would deal with an agency of government. In fact, that is one of the things the steering committee is going to be talking about: the agencies we want to schedule in over the next couple of months. There is that minimum, if you will, and if we have additional time, we can look at other agencies.

Mr Waters: That was what I was getting at. I had actually been talking to our legislative research person, as well as some of our staff people, trying to get a handle on it, because I wanted to know—like, today we are free at 11:30. Let's say we had an hour one day. Could we not schedule that hour? Even though we had, let's say, reviewed a couple of intended appointees, if we had an hour, an hour and a half or two hours left, could we not even use that to also schedule in an ABC for part of the hearings?

The Chair: We can devise the schedule as we see fit, the steering committee in agreement with the committee as a whole, but we cannot do this on a moment's notice. We

have to notify witnesses. We have to give them a fair amount of notification in respect to the kinds of things we want to deal with. But, sure, we can do that.

Mr Wiseman: Perhaps the subcommittee when it meets at 11:30 could devise a timetable for the next month and take into consideration the concerns that are being voiced here, and then maybe the subcommittee could send it on to the House leaders for approval and perhaps we can set out some kind of an agenda over the next little while. Is that a possibility?

The Chair: I do not see why we have to go to the House leaders.

Mr Wiseman: We could just do it here?

The Chair: We can set our own agenda. That is all there is to it. Anything else on this? Perhaps we could adjourn now and the subcommittee members can stick around and we will try to get this resolved as quickly as possible.

The committee adjourned at 1120.

CONTENTS

Wednesday 2 October 1991

| | |
|--------------------------------------|--------|
| Appointments review | .A-629 |
| Mitchell A. H. Levine | .A-629 |
| Mary Sharon Broderick | .A-632 |
| Herbert Nabigon | .A-635 |

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Standing committee on government agencies

Appointments review
Organization

Comité permanent des organismes gouvernementaux

Révision des nominations
Organisation



Chair: Robert W. Runciman
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Table of Contents

Table of Contents for proceedings reported in this issue appears at the back, together with a list of committee members and other members taking part.

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at (416) 325-7400.

Table des matières

La table des matières des séances rapportées dans ce numéro se trouve à l'arrière de ce fascicule, ainsi qu'une liste des membres du comité et des autres députés ayant participé.

Il existe un index cumulatif des numéros précédents. Les renseignements qu'il contient sont à votre disposition par téléphone auprès des employés de l'index du Journal des débats au (416) 325-7400.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 9 October 1991

The committee met at 1007 in room 228.

APPOINTMENTS REVIEW

Resuming consideration of intended appointments.

GARY CARMICHAEL

The Vice-Chair: The first item on the agenda today is a half-hour review of an intended appointment selection of Mr Gary Carmichael. Mr Carmichael, if you have an opening statement, we would be pleased to hear it. If you do not, we will proceed with questions.

Mr Carmichael: I am fine.

The Vice-Chair: You have no opening statement.

Mr Carmichael: No.

The Vice-Chair: The official opposition is the party that wanted the selection, so we will start off with you, Mr Grandmaître.

Mr Grandmaître: You will be one of the five lay members on the committee, Mr Carmichael, but looking at your past experiences, I think we can consider you an expert in the field. My first question is not directly related to the services. I can recall that back in the early 1980s a number of establishments in Ontario were being sold to American enterprises. Has this trend continued?

Mr Carmichael: There are really three conglomerates now in the bereavement industry. There are Arbor Capital Resources, the Loewen Group and SCI, which is Service Corp International out of Houston. Loewen Group is British Columbia-based. Arbor is in Ontario and it goes right across the country. Loewen, more than anybody, has become the major player in the bereavement industry. If anything, they are expanding into the United States and buying up funeral homes in large sums in the States.

Mr Grandmaître: How many establishments would we have in Ontario?

Mr Carmichael: Funeral homes?

Mr Grandmaître: Yes.

Mr Carmichael: I believe there are about 500.

Mr Grandmaître: How many would be owned by American firms?

Mr Carmichael: I do not know that.

Mr Grandmaître: Would you say few?

Mr Carmichael: There are a few. I would say more would be owned by the Loewen Group.

Mr Grandmaître: Yes. I remember in the early 1980s they were very active in the Ottawa-Carleton area.

Mr Carmichael, you have been around for a number of years. Could you tell me what is the difference between the complaints committee and the discipline committee? I was going through my notes yesterday, and there is very

little difference, as far as I am concerned. Can you tell me what the real difference is?

Mr Carmichael: I have to be honest with you. I do not know. I have never been exposed to the Board of Funeral Services before. Primarily, my background is with the cemeteries branch of the ministry and, before that, with the cemetery industry. I am not really familiar too much with how the board is structured.

Mr Grandmaître: Can you tell me something about prepaid funeral services? Are you familiar with the prepaid program?

Mr Carmichael: A little bit. The prepaid funeral service is basically there to protect the consumers, whereby the family wishes to prearrange its funeral services. One hundred per cent of the money goes into trust for those services, with the understanding that the services would be supplied at the time of need. The family is entitled to a complete refund if at any time it wants to change its minds.

Mr Grandmaître: I will be a little parochial in my next question. My mother has a prepaid funeral contract, if I may use the word "contract." I visited the funeral parlour and talked to the director, advising him that I will be responsible for administering this contract. This contract was bought back in 1967, and I asked him what the contract was worth, for instance, in 1991 or 1992. He could not answer me. Where could I get the answer to my question?

Mr Carmichael: I am surprised he could not answer you. Funeral directors have a service fee which includes the use of their chapel. Caskets are priced separately, as are minister, organist, newspaper notices. He should be able to figure out what it is worth today.

Mr Grandmaître: He should?

Mr Carmichael: I would think so.

Mr Grandmaître: These trust funds, where are they invested?

Mr Carmichael: The funeral service?

Mr Grandmaître: Yes. Who controls the investment? There is a compensation fund committee, I think. Where are these moneys invested?

Mr Carmichael: Again, I am not sure of the specifics for the funeral service. I know in the cemeteries, the money is invested with a trustee in accordance with the Trustee Act.

Mr Grandmaître: Who is responsible for the inspection of these trust funds?

Mr Carmichael: With funeral services, I would assume the Board of Funeral Services is. With cemeteries, the cemeteries branch does it.

Mr Grandmaître: One last question. Do you think funeral service establishments should get involved in the total package of funeral services, selling tombstones, a complete

service? Do you think we should have—what is it called—one-stop shopping?

Mr Carmichael: The legislation prohibits one-stop shopping in the province. A lot of funeral directors already sell monuments. In the past, funeral directors have even controlled the cemetery in the sense that they would call up and say to a municipal cemetery or a church cemetery: "Mrs Jones has passed away. She is to be buried. Would you make arrangements?" He would collect the fee from the family and just pass it right on to the cemetery, or in fact put it on his bill and pay it himself.

Mr Grandmaitre: If it was permissible, do you think it would be a cost-saving to the consumer?

Mr Carmichael: I have heard a number of successful arguments on both sides. I know in the United States there are only two or three states that go as far as to separate all three bereavement sectors, funeral, cemetery and monument. Most states and almost every province, with the exception of Ontario and I think Prince Edward Island, allow the combinations.

Mr McGuinty: Mr Carmichael, first, are you aware as to whether there were any other applicants for this position?

Mr Carmichael: I am not aware.

Mr McGuinty: How did you come to express an interest in the position? Did you contact someone or did someone contact you?

Mr Carmichael: I am the registrar for cemeteries for the Ministry of Consumer and Commercial Relations and I was asked if I would serve, if chosen, in an effort to improve the relationship and liaison and communication between the ministry and the Board of Funeral Services.

Mr McGuinty: The fact that you were on the ministry staff was obviously critical in terms of what the ministry was looking for.

Mr Carmichael: I would think so.

Mr McGuinty: Back to this business of pre-paid funerals, as I understand it, if someone enters into that kind of contract, he can cancel that contract prior to his death. Can the family, the next of kin, cancel that contract subsequent to the death?

Mr Carmichael: I would have to check. I am not totally familiar with the funeral legislation, but I believe they can cancel it before the services have been delivered or supplied. At the time of death, if they decided they wanted to go somewhere else, they could do that.

Mr McGuinty: And they are entitled to a refund of the moneys. Those moneys deposited with the funeral home, they are in a trust account of some kind?

Mr Carmichael: Yes.

Mr McGuinty: Do they earn interest?

Mr Carmichael: Yes.

Mr McGuinty: Would I be entitled to that interest if I asked for a refund?

Mr Carmichael: I believe you are entitled to the interest minus an administration fee for the trust.

Mr McGuinty: Does the act regulate those administration fees?

Mr Carmichael: I believe it does. If you want me to spend a few minutes, I could get the answer for you.

Mr McGuinty: Okay, that is fine. Do you have any idea of what the interest rate is on those funds?

Mr Carmichael: I believe it is fairly close to the market rate.

Mr McGuinty: Do you think the operators of transfer services can play a bigger role in the marketplace in order to provide a very low-cost funeral? Right now they are limited to picking up the body, I gather.

Mr Carmichael: Transfer services at present are restricted to picking up a body and delivering it to the cemetery or crematorium. There is a challenge now. They want what is referred to as a stopover provision, which means they could stop off at a church and conduct the service there and then go the cemetery or crematorium.

Mr McLean: Do you know what the makeup of the board is now? Are there any funeral directors on it?

Mr Carmichael: I believe there are five funeral directors and five laypeople. If I can look over my shoulder—right.

Mr McLean: Do you think there will be a conflict, working for the ministry full-time and being a board member part-time?

Mr Carmichael: I do not see it as being a conflict. First of all, I will not be receiving any remuneration for doing it. Second, the whole purpose, from what I understand, of my being there is just to open the lines of communication between the Board of Funeral Services and the ministry.

Ms Carter: In my home town we have something called a memorial society to which I and my husband belong. I believe what it does is negotiate with one or more local funeral directors a kind of special, basic package which we then pre-arrange, as it were. I wonder what ideas you have on that situation. Do some firms refuse to become involved in that?

Mr Carmichael: The memorial societies basically negotiate low-cost funerals with certain funeral directors across the province. A lot of funeral homes offer the same kind of service, but at the same time do not belong to the memorial society.

What you find happening, though, is a lot of times a family will come in for a memorial society funeral and the funeral director will suggest maybe a little nicer casket, the trimmings per se, and the family will just do it by itself. When they see the casket that has been supplied, out of guilt or grief or love, they will select something nicer.

Ms Carter: Could you tell us what the situation is as regards cremation? I believe in some areas it is not readily available.

Mr Carmichael: In the province, cremation is about 30% now of the total deaths. It is primarily available in the larger centres. It is very costly to run a crematorium. It is costly to set it up and you would have to be cremating a number of cases a year just to break even. Most crematoriums do not make money.

The Chair: Thanks very much, Mr Carmichael. We appreciate your appearance before the committee this morning.

The next matter on our agenda is the determination in respect to the reviews made last week. At the request of Mr Wiseman, we delayed the decisions with respect to the three intended appointees until today. What we have been doing is dealing with them in one motion, but would you rather do it on an individual basis or as a block? Any views? Can we have one motion then dealing with Dr Levine, Mary Broderick and Herbert Nabigon, that we are concurring with the intended appointees?

Mr Wiseman moves that the committee concur in the appointment of Dr Levine, Mary Broderick and Herbert Nabigon.

Motion agreed to.

1020

The Chair: The clerk draws to my attention that we should also deal with Mr Carmichael's appointment. Unless a member wants to delay this until the following week, can we have a motion dealing with Mr Carmichael?

Mr Wiseman moves that the committee concur in the appointment of Mr Carmichael.

Motion agreed to.

ORGANIZATION

The Chair: Moving on to the subcommittee report, has everyone had a chance to take a look at this? This is a tentative schedule we worked out so that we can also deal with agencies. I think it is the feeling of all parties on the committee that we have to try to devote a portion of our time to a review of agencies, boards and commissions. We have tried to accomplish that, and we will be getting together again at a future date to try to lay out the ground-work for November and beyond.

Mr Grandmaitre: We are looking at the schedule of business during November, December and maybe the winter adjournment period. Do we know yet what will be our schedule for the winter adjournment?

The Chair: No. We will have to make a request, and that is going to be a decision of the House leaders. As you recall, last summer we requested six weeks, I believe, and we ended up with one week. Again, as is noted on the bottom of the first page, we are asking each party to come in with a recommendation, a selection of two agencies for review. We are probably looking at a request again, I would think, in the four- to six-week range to deal with a possibility of six agencies.

Mr Grandmaitre: That is my question. Is it a possibility? What if we were to choose six agencies and we were given only a week to review those six agencies? I do not think we can do a proper job.

The Chair: At that point, we would simply have to take a look at our priorities and probably look at one or, at the most, two to review. Again, it is up to the committee members. If we feel strongly enough about reviewing specific agencies, we make our feelings known to our House leaders so that we can get the sitting time we think is required. All we can do is make a request and then convey our feelings to our own House leaders so that the message is carried to their meetings when they make these decisions on sitting times.

Mr McLean moves that the subcommittee report be accepted.

Motion agreed to.

The Chair: All right, we are going to take a five-minute break for Hansard to depart the scene, and then we will move into closed session.

The committee continued in camera at 1028.

CONTENTS

Wednesday 9 October 1991

| | |
|--------------------------------------|-------|
| Appointments review | A-639 |
| Gary Carmichael | A-639 |
| Organization | A-641 |

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Ch 2 01
XC 14
- 152



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Wednesday 16 October 1991

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Appointments review

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Première session, 35^e législature

Journal des débats (Hansard)

Le mercredi 16 octobre 1991

Comité permanent des
organismes gouvernementaux

Révision des nominations



Chair: Robert W. Runciman
Clerk: Douglas Arnott

Président : Robert W. Runciman
Greffier : Douglas Arnott

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Table of Contents

Table of Contents for proceedings reported in this issue appears at the back, together with a list of committee members and other members taking part.

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Table des matières

La table des matières des séances rapportées dans ce numéro se trouve à l'arrière de ce fascicule, ainsi qu'une liste des membres du comité et des autres députés ayant participé.

Il existe un index cumulatif des numéros précédents. Les renseignements qu'il contient sont à votre disposition par téléphone auprès des employés de l'index du Journal des débats au (416) 325-7400.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 16 October 1991

The committee met at 1010 in room 228.

APPOINTMENTS REVIEW

Resuming consideration of intended appointments.

WILLIAM HASKETT

The Chair: We will start the meeting with Mr William Haskett, who is an intended appointee as a panel member of the Commercial Registration Appeal Tribunal. This is a half-hour review, 10 minutes to each caucus to ask questions. Perhaps you would like to take a minute or two to make some brief comments before we start, or we can head right into questioning.

Mr Haskett: Right into the questioning is fine.

Mr McGuinty: Mr Haskett, first of all, could you tell us how you came to make an application for the position?

Mr Haskett: I believe I was recommended by the industry through possibly the Ontario Funeral Service Association or the Board of Funeral Services. I am not totally sure of that. I have been quite involved with the Western Ontario Funeral Service Association as well. When I was asked, I said I would be happy to sit on a committee.

Mr McGuinty: Right. Have you had any experience dealing with the Commercial Registration Appeal Tribunal?

Mr Haskett: No, not in the past.

Mr McGuinty: What would the extent of your knowledge be regarding the tribunal?

Mr Haskett: As you may or may not know, we have new legislation as of October so there are a lot of things that are new. I believe the tribunal is new as well. I did sit on a board of inquiry under the old legislation and I believe it was the first time the board had ever sat. As for the tribunal itself, I believe it is to hear appeals from the Board of Funeral Services and make a judgement on the decision of that committee.

Mr McGuinty: All right. You are going to be required as a member of the tribunal to, as I understand it, conduct a hearing, and you will have to hear evidence from witnesses and come up with a written decision. Undoubtedly you would have to—and this is perfectly understandable—deal with industries or professions with which you are not intimately familiar. Do you feel comfortable doing that?

Mr Haskett: Yes, I believe I do.

Mr McGuinty: Have you had any experience in the past relating to that kind of a fact-finding and decision-making body?

Mr Haskett: Other than the board of inquiry that I sat on for the Board of Funeral Services a year ago, nothing other than that.

Mr Offer: I have a few questions. You indicated that just this past October there has been new legislation dealing with funeral directors.

Mr Haskett: That is right.

Mr Offer: It would be my understanding that there may be matters before you, as a potential member of the CRAT, dealing with decisions under the new legislation. Is that correct?

Mr Haskett: That is right.

Mr Offer: I wonder if you might share with us whether you have made any representation to either a legislative body or to your association on a position under the new legislation? In other words, were you in favour of or opposed to the new legislation?

Mr Haskett: As the legislative committee of our Ontario Funeral Service Association presented it to us, there were things that came out in the legislation that our total association was not in favour of, and we have asked for changes to the legislation to bring about the changes we are asking for. But in total, I think the legislation is good for our industry.

Mr Offer: You do not find any difficulty in potentially being a member of CRAT and listening to matters under a piece of legislation, aspects of which you are opposed to?

Mr Haskett: No. I think the aspects are minor. There are things that possibly need minor changes to the wording, and really there will not be any problems with those issues.

Mr Offer: The reason for my question is, of course, that there may be matters you might be asked to decide upon, on the very issues of wording or whatever, basically the concerns that you previously brought forward and now are coming to you as a member of the appeal tribunal. I think it is important for us as a committee to recognize that a potential member of CRAT does have some difficulty with the legislation, a piece of legislation upon which that person might be asked to decide.

Thank you very much. I appreciate those responses.

Mr McLean: I really have no questions other than the fact that your industry, I see, has recommended you. I looked at your résumé and I think you would do an excellent job.

Mr Haskett: Thank you.

Mr Wiseman: There seems to be a lot of concern about the Ontario New Home Warranties Plan Act which comes before CRAT as well this year. Do you have any familiarity with that?

Mr Haskett: The new home warranty—

Mr Wiseman: The Ontario New Home Warranties Plan Act. There is a whole list of appeals to the tribunal that are authorized under 17 statutes. It seems like an awful lot. I am just curious as to how familiar you are with all of these and hence where do you go with this?

Mr Haskett: I have no familiarity with the new home warranties plan at all.

Mr Wiseman: I have a feeling you will be, because there are 189 cases before the Ontario new home warranties plan. You only hear funeral directors' appeals, is that correct?

Mr Haskett: That is my understanding, not new home warranties.

Mr Wiseman: I misunderstood. It is good to have you here to clear these things up. What is your background there then?

Mr Haskett: I have been licensed since 1971. Our firm has been established since 1882. I am fourth generation.

The Chair: That was pretty easy, Mr Haskett. We appreciate you taking the time to appear here today. I wish you well. Thank you very much.

Mr Haskett: Thank you.

MICHELE SCHLUETER

The Chair: The next intended appointee is Michele Schlueter. Welcome to the committee.

Mrs Schlueter: Thank you. After watching Clarence Thomas and Anita Hill all weekend, I do not think I am going to be nearly as exciting.

Mr Wiseman: We do not go in that direction either because we are targeting a different type of process.

Mrs Schlueter: I am pleased to hear that, Mr Wiseman.

The Chair: Mrs Schlueter is the intended appointee as vice-chair of the motor vehicles compensation fund. Again, she was selected for review by the committee by the official opposition.

1020

Mr McGuinty: Mrs Schlueter, in going over notes we were given to acquaint us with the Motor Vehicles Dealers' Compensation Fund Board of Trustees, we are told that a claim has to be filed within two years of a dealer's refusal or failure to pay. Is that period of time practical?

Mrs Schlueter: From the point view of of the board or from the point of the view of the claimant?

Mr McGuinty: From everybody's point of view. Why would a claimant not advance a claim prior to two years?

Mrs Schlueter: Why it takes that long? I am having trouble understanding.

Mr McGuinty: Well, there is limitation. If I put down a payment, I have two years to make that complaint. It would seem to me that if I am out a couple of thousand dollars or \$500 I should move forward more quickly.

Mrs Schlueter: Yes. As an owner-manager, I am used to seeing things resolved fairly quickly when they land on your desk. Unfortunately the process does not work that way. This might help you a little bit. If I might beg the indulgence of the Chair, I have some samples of claims, how we receive them. It will give you an idea of the process involved. It does involve affidavits and things like that.

It takes two years, first of all, because the consumer probably does not know exactly how the process works. Obviously they first have to attempt to reconcile things with the motor vehicle dealer in question. There are very

specific criteria for the fund. One is in a judgement from court. A dealer goes bankrupt and you have an undelivered vehicle and a deposit is at stake. I just think the process takes that long to make sure that all parties are being truthful.

As my industry's representative on the board, which is financed entirely by the motor vehicle dealers of this province, I have an obligation to the dealers to ascertain the validity and the extent of the claims. I think the process just takes that long. Some people do not come forward right away. Once a complaint has been lodged with the Ministry of Consumer and Commercial Relations, they make a very good effort to try and contact the claimant. We have an administrator who prompts the claimant how to go through the process: what you fill out, what we need to make sure there is a quick resolution.

Mr McGuinty: With respect, I think you are missing my point. What the act allows is that a claimant has two years to file a complaint. In other words, two years are allowed to elapse. Memories fade, documents get lost, and it is sometimes difficult to determine what happened in a financial transaction. Why are we not saying, for instance, "Listen, if you're going to complain about not getting your deposit back, you have to do that within a year"? You said two years.

Mrs Schlueter: I had no idea that was under the legislation when the Motor Vehicle Dealers Act was amended and the fund was conceived.

Mr McGuinty: The maximum amount the board can pay out for claims against any one dealer is \$10,000. I am wondering if that is too low today, especially if you have a large dealer who goes bankrupt and a number of customers or clients have been in and put large deposits on many automobiles and that dealer goes under. Is \$10,000 going to protect the consumer?

Mrs Schlueter: The representatives on the board from OADA, the Ontario Automobile Dealers Association, and UCDAO, the Used Cars Dealers Association of Ontario, put forth a motion last March that we did not feel the ceiling was high enough. So on the initiative of the three car dealers on the board, in conjunction with our associations and the ministry people, that ceiling has been raised to \$15,000. As for numerous vehicles, each claim would be treated individually, if you had more than one vehicle deposit. You would be really amazed how many people come in and put \$10,000 deposit on a vehicle. I do not see them in my dealership, but they do do it.

Mr McGuinty: I understand the board meets four to six times a year. If I was a complainant, how long would it take for me to get my money after a complaint had been formally filed?

Mrs Schlueter: You can call directly to the administrator of the fund, Michele Mitchell, and depending on how quickly she gets the paperwork—we meet every other month—if all the paperwork is in order you could be on the agenda for the next meeting. We have had conference calls when we had a failure of Avis car rental up north, and Harley Davidson was another big one. We had lots of people named Snake wanting their bikes. Things like that happen, so you deal with it quickly, as a priority.

Mr McLean: As a dealer-owner or with your family, do you feel that curbsiders are hurting your business?

Mrs Schlueter: I think the government would feel they are hurting their existence. A lot of tax revenue is lost. There is no sales tax collected when curbsiders sell their vehicles, first of all. There is no recourse for consumers. If they buy a car from a curbsider they cannot go back under the repair act. There is no recourse whatsoever if that car falls apart, if it is misrepresented, if it has been put back together or if it has been in a derby.

Mr McLean: The definition of a curbsider is?

Mrs Schlueter: An unregistered motor vehicle dealer or a person acting as a motor vehicle dealer without formal registration.

Mr McLean: The other aspect is a private individual wanting to sell his or her car. Do you have any problem with that?

Mrs Schlueter: Absolutely not. Everyone has done that and the difference is that you are doing it once every few years privately, you are not doing it eight times a month to make a living and turning cars over.

Mr McLean: Once you are appointed the vice-chair of the board is it your goal to curb curbsiders?

Mrs Schlueter: That is already the very active goal of your very aggressive registrar, who works very closely with the registered motor vehicle dealers and has a special project going.

The other thing I might add, Mr McLean, is that there is no recourse for people through the motor vehicle compensation fund if they buy from a curbsider. This is only for registered motor vehicle dealers who have paid into the fund. They cannot claim, they cannot get their money back. I reiterate that there is absolutely no recourse for the consumer out there and it goes on all the time.

Mr Wiseman: Mr McLean asked some questions I was going to ask. I would like to go back. As a vice-chair, what exactly will be your responsibilities? Do you know?

Mrs Schlueter: I am vice-chair of our association's government relations committee; I am past president of our local motor vehicle dealers' association; it is like Dan Quayle, you really do not have to do anything when you have a strong chair. We have a very strong chair.

Mr Wiseman: I do not think you would want to compare yourself to Dan Quayle.

Mrs Schlueter: Not in a million years, sir. I do not mean to be flip, I am simply saying we have an extremely strong chair who takes his position very seriously and has never missed a meeting. I know that because I have never missed a meeting. We obviously provide backup to that chair; we have good strong government support from the consumer ministry; the agendas are sent to us early enough to do research on it and do all kinds of things. I really feel I have the functional expertise to step very confidently into a general advisory capacity. I can look at both sides of the car deal.

Mr Wiseman: I was just flipping through these, and of course I have not had time to read them in depth, but could you walk through the process with us so we have an

understanding. For example, let's say I go to a dealership, I buy a new car, the engine blows out of it and the next day the car dealership declares bankruptcy.

The Chair: Mrs Schlueter, before you get into that, Mr Wiseman has made a request with respect to this material you have circulated. Following the completion of this I would rather that we return these to you.

1030

Mrs Schlueter: Oh, absolutely.

The Chair: I cannot get into specific names that have been placed on the record.

Mrs Schlueter: These have all been resolved, sir. There are none that are pending.

The Chair: In any event it could create some difficulty, so I prefer that you did not refer to any specific individual.

Mrs Schlueter: No. The consumer makes a claim and it starts at the dealership level. Unfortunately this is not a resolution to complaints versus people saying things like, "My repair wasn't done; I'm in for the third time." Five specific criteria have to be met before they can make a claim. If I might, I would like to refer to my notes. I am not as adept as you people are at thinking on my feet.

These are very specific: a final judgement against a motor vehicle dealer that has lapsed and has been unpaid for 90 days, a dealer who has declared bankruptcy, a payment for an extended warranty or service plan that has not expired but where the dealer is bankrupt, a transaction—

Mr Wiseman: Would that have applied to the international warranty?

Mrs Schlueter: Yes. We would take the balance of that, the unearned premiums, and make some resolution. It happened in the Avis claim. When Avis collapsed up north numerous people had purchased vehicles and extended warranties, and the warranty company at that point stepped up to its obligations. You were going in to buy an extended warranty for a vehicle and the dealer was not sending it in to the insurance company. That was not the warrantor's fault. The dealer was at fault there. He stepped up right away and there were three options made available: People could get their money back if no claims had been made, they could take a financial settlement right then and there, or he accepted responsibility for the warranty.

Mr Wiseman: Where does the money come from that is paid out under that circumstance?

Mrs Schlueter: Under the fund every cent of it is funded entirely by the motor vehicle dealers of this province.

Mr Wiseman: So there would not be any tax dollars involved?

Mrs Schlueter: None whatsoever.

Mr Wiseman: What happens if a claim is so massive—I see you can only have a maximum amount for \$10,000 against any one dealer.

Mrs Schlueter: The ceiling is \$15,000 per claim. That was just recently raised and passed.

Mr Wiseman: Against the dealer?

Mrs Schlueter: Against the fund. The fund is now paying. The dealer has to be bankrupt, so the consumers have no recourse; they cannot go anywhere and get their money back. The manufacturers do not step up to it because we do not have franchise laws in this province. The dealers are absolutely on their own. Perhaps similar to your profession, there are misconceptions about my profession as being shifty, corrupt car dealers. We are trying to do everything we can to alleviate that. There are professional automobile dealers in this province. We are trying to aim towards a self-regulatory board where we can regulate ourselves.

Mr Marchese: I have a general question. I know very little about what you do in spite of what I am hearing. What kinds of frustrations do you experience as a board member? What kinds of challenges, problems and difficulties do you confront on a daily basis or whenever it is that you get together to deal with these matters?

Mrs Schlueter: I have to be really honest and say we do not have that kind of frustration. That is experienced at the ministry level and they are doing a wonderful job. They get the information compiled for us, there are people who search out the complaints and make sure the affidavits are there and those kinds of things. We experience some frustrations when we do not feel it is fair that the board pays out. It does not happen often because, as I say, there are very specific criteria. We only have to go to this mission statement and it is very easy to make a decision: "It falls into that category." I wish all my decisions in a day were this cut and dried.

Sometimes we will reduce the claim if we feel there has been a little bit—I am there to try to ascertain the validity of the claims. I guess the frustration would be with my own industry, the fact that these dealers are making it so bad for those of us who are trying to do a good job. The way the industry is now it is in an abysmal state. We are suffering. Profits are down 50% across the board. We do not need these hassles with dealers going bankrupt and taking liquid amounts in dollars from consumers. It does not do anybody any good at all.

I come from a small town. My business thrives on repeat business. I need to see the person who bought the car in my showroom. I need to see people in my service department and parts department.

Ms Carter: To get back to the point Mr McLean raised about private dealers, the co-signers and so on, do you see any way in which anything can be done about that?

Mrs Schlueter: Absolutely. Some of the blame has to be accepted by the automobile dealer as far as whom they wholesale the vehicles to is concerned. That is an education process which my association is working very hard to do. With respect to educating the public, local dealer associations such as mine—we are non-profit, so there are obviously dues, aside from golf tournaments and things—we spend the money on advertisements in the paper and in our dealerships promoting the reasons and the benefits to the consumer of buying from a franchised automobile dealer. It is an education process and it has to start at that level.

It is a catch-22. The consumer cannot complain to the ministry because nine times out of 10 chances are they

have not paid any sales tax, so they have committed a fraud on some level. It is a vicious circle. They cannot complain. You do not know what is going on. How do you clamp down unless somebody complains?

Ms Carter: So you would say, "Buy from the guy next door that you know, but not from"—

Mrs Schlueter: I would say, "Buy from your franchised car dealer." Even if you know the person you bought the car from, there is still no recourse for you. They do not fall under any kind of legislation, at least as specifically as the automobile dealers. But it is definitely a problem and we are aware of it, as your ministry is.

Mr Hayes: Mrs Schlueter, would you deal with cases—I know you would not deal with a case if it were from your own dealership, for example.

Mrs Schlueter: I would hope I would never be there. I am not going bankrupt.

Mr Hayes: That is good. What about dealing with another dealership that is sponsored by the same corporation as the cars you sell? Would that be a conflict?

Mrs Schlueter: Absolutely not. No, that is not a problem. I would think, as yourself, you have had to oppose pieces of legislation that have been proposed, but once it becomes law, there is no choice. There is a difference between opposing proposed legislation and compliance with law.

The Chair: Thank you very much, Mrs Schlueter. We appreciate you appearing here today and we wish you well.

NANCY TORAN-HARBIN

The Chair: The next witness is Nancy Toran-Harbin, an intended appointee as a member of the Ontario Film Review Board. She was selected for review by the government party. Welcome to the committee. Would you like to make a brief statement before we begin, or shall we get right into questions?

Mrs Toran-Harbin: No, I do not really have any statement.

Mr Wiseman: I do not envy you coming to the film review board at this time when there is so much controversy about the board allowing certain films to be shown and then the police going out and confiscating them. Do you have any comments on that now, or what you would like to see happen before you make any decisions on that process?

Mrs Toran-Harbin: Not really. I think individual members of the board can only use their own consciences in viewing something, and, I suppose, their own views of what they believe community standards are. If it is a matter that films are being approved and then subsequently being taken off the market by the police and being prosecuted in court, then I would suggest the community standards are not being adhered to. A very clear evidence of that is if there is a conviction. If that is the type of thing that is going on, it gives the review committee a chance to stand back and have a look at what the community standards are. Perhaps they are not meeting those standards.

1040

Mr Wiseman: This raises an interesting question about which group is to reflect community standards.

Mrs Toran-Harbin: This is true, because you are ending up with either having a board stating what it believes the community standards are or having a judge stating what he believes the community standards are. I do not believe it is a perfect process, but I think it is a matter of everyone trying to do the best they can under the circumstances.

Mr Wiseman: The next question is censorship. Do you have a definition of censorship and how you think it might apply to what you will be doing?

Mrs Toran-Harbin: Censorship means different things to different people. I think in every society you have certain things which some people would call censorship and other people would say there is a freedom of art or whatever. I think it really comes down to a balance of what can be harmful to a society or members of that society and what is an art form. I think each individual film is to be judged on its own merits, and I do not view something that would be harmful to a particular group, for example, children, to be viewed as censorship.

I think it really comes down to, as I say, a balance between interest groups, one being a society and any groups belonging to that society, and one being whoever is propagating or behind films or any particular art form. I have some experience in artistic areas. I studied opera but went into law instead of going to Milan to continue my opera studies so I think I have a sensitivity to art. On the other hand, I am also a mother and I have great sensitivity to children. And of course I have sensitivity to women's issues. I really think there is a balance. I believe it is a matter of trying to find that balance as opposed to being strictly on one side or another.

Ms Carter: Could I just probe a little further on the same kind of issue? I think there is a distinction between films that are made specifically to be titillating and so on and ones that have what you might call a higher motive; yet the ones with the higher motive might actually have more explicit material in them. I remember there were problems over *Not a Love Story*, which I believe was specifically made to be a kind of counterbalance to pornography, to show what it was really doing, yet it had pornographic episodes itself. Of course, as you said, you get things that are art that are also pornographic or borderline, such as maybe *Sons and Lovers* by D. H. Lawrence. And there was a hooah decades ago about *Lady Chatterley's Lover*. How would you draw the line on that kind of situation?

Mrs Toran-Harbin: I am not meaning to be evasive but I think each individual thing needs to be looked at on its own merits. Something like *Lady Chatterley's Lover* seems very mild to us right now, just a fairly standard piece of literature. I remember taking this case in civil liberties at law school, and at the time, it was considered to be quite offensive. Perhaps at that time it was offensive, if you consider that women were wearing skirts down to their ankles. It was considered offensive to see people's ankles. I think each culture and so on has its own standards at a particular time. I do not think *Lady Chatterley's Lover*

is something I would have a problem with. In fact, I am sure I would not.

Something that is a hard-core pornography film or something that is exploiting women or children I have tremendous problems with. I think most films, those I have seen anyway, fall somewhere in between those ranges.

Mr Marchese: I have a question. By the way, I do not envy the position you are getting into because there are many questions that will not be easily dealt with. I want to raise one with you. In September 1990, the board made a policy decision that it would no longer reject for viewing motion pictures and videos containing scenes of explicit sexual activity between consenting adults. However, the police forces around the province continue to charge movie house and video store owners for respectively showing or selling films which fall into this category.

How do we deal with this problem of who determines the community standards? If the board has decided this, the police then say, "We are judging this to be a problem," and then they charge people with showing this kind of film. Who determines the community standards? How do we determine them? Is it the board? Is it the police? What is your opinion on how we solve this problem?

Mrs Toran-Harbin: I think the only way it can be solved is by working together. The example given by Mr Wiseman clearly shows there is a conflict. Please correct me, because I may be ignorant of this, but my understanding is that certain indecent acts and so on are still covered under the Criminal Code of Canada. Therefore, we have conflicting legislation between the federal government and policy being set by a provincial agency.

I do not think it is bad that you have two groups. They are counterbalancing each other and I really believe that having one group as a final say-so could possibly be dangerous. As you know, people on boards change their opinions, they are reflecting their own personal opinions. They experience what they have within their own communities and possibly their own backgrounds as well. I think having the police and the courts involved, as well as a film review board, provides some checks and balances.

This policy statement, which was made about sexually explicit acts, is so broad a definition and perhaps had certain things in mind and not other things. You can have all kinds of things going on between consenting adults which may be offensive to community standards, and you have other acts which may be carried on in film with consenting adults which are not in conflict with community standards.

It is such a very broad area that, as I say, I think each individual film needs to be looked at on its own merits. It certainly is showing a conflict between what the police and perhaps the courts are deciding and the policy being carried out by the Ontario Film Review Board. But having a program of checks and balances is really only to the public's benefit rather than against it.

Mr Marchese: Can I ask you, because it is interconnected—the board is required to refer to community standards when deciding how to classify—what is your sense of how we define community standards?

Mrs Toran-Harbin: That is a very difficult question.

The Chair: It is also your last one.

Mrs Toran-Harbin: I think community standards come from what a community is willing to accept or not accept, and it is getting a feeling of that rather than having an absolute. I am getting a feeling in the community that I have been dealing with, for example—and I am dealing quite a bit with young mothers and have been for a number of years—that they are concerned not so much at this point with sexual content in films as with graphic violence and how it affects their children. Often they find that when they look to a film and see what kind of review it is given, they are just not getting proper guidance as to what is going on in that film from the rating. The community standard, the feeling I am getting right now, is more a concern about violence than sexuality in films, particularly as it relates to children.

1050

Mr Offer: Legislative research has provided some information and Mr Marchese referred to a September 1990 decision of the board where it made a policy decision that it would no longer reject for viewing motion pictures and videos containing scenes of explicit sexual activity between consenting adults. You spoke in your last response primarily about parents not getting what you felt was proper guidance in the selection of movies through the classification system. My question is, do you agree with the policy decision that the board made in September 1990?

Mrs Toran-Harbin: I think it is too broad.

Mr Offer: Okay. Your résumé states that you were a former member of CCAVE, Canadians Concerned About Violent Entertainment. I think we all share that concern. Is this association specifically and only involved in the violent entertainment area, or is it broader in scope?

Mrs Toran-Harbin: I have not been involved with the association for some time. I was on the board of directors and was trying to help it to get charity status, and that type of thing having to do with my legal background. At the time that I was involved with it, and I still am familiar with people who are involved with it, it was my understanding it was restricted to violence and not other areas.

Mr McGuinty: What would you do to ensure that you bring your community standards to bear on the kinds of decisions you would have to make? You said something at the outset; you made reference to how you felt it was important that to some extent this was a matter of your own conscience. My concern is what you would do or what efforts you would make to ensure that you brought your community's interests and community's standards to bear, and those may very well be in conflict at times with what you feel personally. What would you do about that?

Mrs Toran-Harbin: I think, a matter of one's own conscience is something that perhaps you cannot get aside 100%, because I believe these are the types of things that can slant a person's views. But with the training that I have, I may find something—for example, I will use violence as an issue—which I would personally not take my child to, but that does not mean that because I would not take my child to it, that is the standard I would be using. It is a matter of adopting a certain standard and carrying it

forward, which any adjudicator ought to be able to do and is hopefully able to do. You cannot just go in with your own personal views. I think my legal training is something that would be very helpful in that way.

Mr McGuinty: You do not see yourself, for instance, as an advocate there for young mothers?

Mrs Toran-Harbin: No.

Mr McGuinty: You understand you would be an adjudicator and you would be accountable to the community at large.

Mrs Toran-Harbin: Absolutely.

Mr McGuinty: The Criminal Code talks about obscenity and the review board talks about community standards. What may have been obscene under the code 10 years ago may fall within acceptable community standards today. The board has been, as I understand it, very critical of police decisions to lay charges in cases where it has found certain material to be acceptable according to present community standards. What would your position be? Are you in agreement with the board's position that the police should not be laying these charges if they found material to be acceptable according to modern-day community standards?

Mrs Toran-Harbin: No, I am not. I think in the code definition, as it was when I had studied it, obscenity also came down to community standards, and I suppose it is a basic disagreement on what the community standards are. I think having a check and balance is very important. It is important in government and important in just about anything. I can see that members of the board would not be too happy that they had approved something which the police then lay charges against.

Mr McGuinty: I mean, why are you there? Who is calling the shots here on community standards? You are members of the community, and it would seem to me that you, rightfully, should have the final say on what is acceptable, not a judge.

Mrs Toran-Harbin: It is different legislation, though. It is something where the provincial arena and the federal arena are crossing over. Both are for the idea of protection of the society and for the taste of the society or whatever. In terms of determining what is a community standard, if something is going to court, for example, I would say it would be a strong argument that something did fall within community standards that a community-approved board had reviewed the material and found it to be acceptable. I think that is something a judge should give tremendous weight to. But in terms of a final say, just being very realistic about it, if we have federal legislation which may be in conflict—and really it comes down to opinions of what is acceptable and what is not acceptable for community standards—theoretically there is always the possibility that there will be conflict in those areas. I do not see how you can get around it.

I am not saying that it is the best thing, for example, for a film review board to make a decision and have that decision just arbitrarily overturned by a judge who may not have the background, who may not have reflected on

the material in nearly as exhaustive a way as a film review board did. But on the other hand, it is a check and balance, and as long as we have that federal legislation there, it is something we are going to have to deal with.

I would also suggest that in the event that the courts are finding certain materials obscene, say, or offensive, or certainly going against the federal act, it may be time for the film review board to see whether its definitions are a little too broad, or perhaps it has not been making the right decisions on things it has been looking at. Perhaps they have been making the right decisions. Although I can see that there is an area of conflict, I think in the final analysis it is preferable not to have just one group that makes the final decision.

Mr McGuinty: You talk about a check and balance system. I think, with respect, that wording is not accurate, because check and balance implies that each body could act to counter the other's thrust. The dynamics of this particular situation provide that when the review board makes a decision, that could still be effectively overruled by a judge if there is a criminal conviction. If I were sitting on that board, I would wonder about my authority being undermined or usurped. How can we resolve this? We have the Criminal Code on one hand saying something is wrong and our community members saying something is right, and effectively the code is going to have the final say, because I cannot see a store owner going ahead and putting stuff on the shelf when he or she will end up being charged criminally.

Mrs Toran-Harbin: Unless the legislation is going to be changed, which may be an answer; or instead of having, for example, at the federal level one judge having a look at this, perhaps the federal government should also have some kind of committee. Maybe there needs to be a review of this type of thing. I think at this point it might be appropriate, in dealing with what we have to deal with today, that a type of disposition be given for store owners who might be carrying things which would later be found to be obscene or unacceptable, because certainly store owners need to be able to rely upon the decision of the film review board in terms of their own liability.

1100

Mr McGuinty: Just one final question. I gather then it is acceptable to you that judges have the final say in terms of what we can see, rather than the Ontario Film Review Board?

Mrs Toran-Harbin: I do not think it is ideal. Frankly, it is not something I had really considered until this morning. However, it is a matter that if it is not acceptable, then steps need to be taken to try to change it. But at this moment it seems to be the way things are. They may not be ideal. I am not suggesting this is ideal, because I cannot see, frankly, that one judge who just happens to be assigned to a particular case would necessarily be a better person to judge a community standard than a film review board which has had some training, hopefully has spoken with people in its community and has a feeling for its community.

I would also hope that a judge, in terms of judging community standards, as you said just previously, would not be saying, "Well, this is my own opinion," but rather

would be looking at the opinion of the board, which purportedly reflects community standards, and would be giving tremendous weight to that. It would not just be a matter of his own opinion. But having one person who can just veto everything, I do not see that as an ideal solution either.

Mr McLean: Have you had the opportunity to sit in the theatre of the film review board to view any of the clips they have?

Mrs Toran-Harbin: No, I have not.

Mr McLean: I am here to tell you it will be one of the biggest surprises of your life. Several years ago, a committee of this Legislature was dealing with that board and we did go to the theatre. It is certainly an eye-opener of what is going on in some of the movie promotions. Do you believe the rules should be tightened with regard to violence in movies, where we would show less violence?

Mrs Toran-Harbin: I think violence can be harmful particularly to children.

Mr McLean: I agree with you, but the point is there are a lot of people out there who are of the opinion that you have no right to tell me what I should be able to see in my home. Therefore, the producers, they feel, have the right to produce what people would like to see, and in doing so, those films get into the hands of the video stores and anybody can rent them. How do you plan on handling that type of situation?

Mrs Toran-Harbin: Just as I say, looking at each individual film on its own merits, particularly with a view to rating, hopefully to try to give some guidance to parents. Depending upon the kind of violence that is involved, it may not be something that is acceptable, whether it is saleable or not.

Mr McLean: I think every member of this committee would really do well to attend one of those film reviews. I came away from there sick.

Mrs Toran-Harbin: Really?

Mr McLean: You just cannot believe what is being shown.

Mr Wiseman: Mr McLean, it is hard enough for us to get volunteers now. Let's not turn them off before they get there.

Mr McLean: She has a big job to do. I am telling you, it is going to be difficult. The other question I have is, do you believe the problems of crime in society today have been increased due to what we are seeing on the screen?

Mrs Toran-Harbin: Yes, I do.

Mr McLean: You plan on tightening that up, I hope. You do not have to answer that. You have a big job to do and it is tough. I wish you all success. It is a big area to cover and I hope you do tighten it up a lot.

The Chair: Thank you very much Mrs Toran-Harbin for appearing here today. We appreciate it. We wish you well.

ROSE LYNNE VOYVODIC

The Chair: Our last witness today is Mrs Rose Lynne Voyvodic, who is an intended appointee at the Ontario Advisory Council on Women's Issues. Mrs Voyvodic was

selected for review by the government party. Mrs Carter, can you start the questioning?

Ms Carter: This is a fairly general philosophical-type question. I can see you have been involved in all kinds of issues. Now, the most obvious function of this group, the Ontario Advisory Council on Women's Issues, is to make sure that women achieve equality with men in every respect. Does that seem to you to be the real ultimate objective? Or do you think that maybe in some ways women are better as they are and that by giving women more of a say we need somehow to achieve adjustments in society rather than just equalling men?

The obvious example that comes to mind is women who want to be members of the armed forces just as men have always been. Maybe that is not a good example, because there are some individuals of either sex who like that kind of thing and others who do not. But can you speak on that kind of issue?

Ms Voyvodic: If I understand your question correctly, you are asking me whether equality is an appropriate objective or—

Ms Carter: Well, in other words, as it were, leaving society just as it is. It is a trick question.

Ms Voyvodic: I think the reason for the advisory council's existence is to consult with, or to be available to advise on, issues affecting women. Certainly, among those issues are examples of what may be called inequality in women's daily lives. In that respect, I believe this is an appropriate goal if the committee is broadly based, available to consult widely in the community and bring to the council the kinds of concerns that are being heard throughout the province. I guess that would have to be where the council would take its information, if that is what women are saying or if that is what the groups they are consulting with are saying: that they would like a particular issue brought to the attention of government, and that is what it would do.

Ms Carter: So you see it more as a kind of channel for needs and requests that are coming up from the grass roots level.

Ms Voyvodic: I guess so. That is one definition of an advisory body. I think there probably is room to advise as well as simply report, and that would be my understanding of the function of such a council.

Mr Hayes: The council proposed that the government impose a 25% sales tax on pornographic magazines, films and videos and use the revenue to pay for counselling services and child care programs in rape crisis centres. Did you agree with that proposal? Maybe you could elaborate because the council argues that there is a link between portrayal of women as sex objects and violence against women. They feel the sex industry should actually fund these types of things that are aimed at women who suffer from abuse, whether it be 25%, 15% or whatever. Do you agree with that? Maybe you could elaborate on it.

Ms Voyvodic: This is actually the first I have heard of such a tax. I perhaps have not done the research that I should have into that issue. On the face of it, I think it is

something well supported by the research, in that there is a correlation between the portrayal of any group in society and victimization or exploitation of that group, be it women, children, racial minorities or whatever. I would have to really think about the tax issue. It is not something that I have ever really thought of with respect to this particular problem. I am familiar with the concept in the environmental sphere and other areas, of imposing an economic sanction on those who in some way affect society, but in this particular case I would have to say quite candidly that it is something I am just not comfortable responding to.

1110

Mr Hayes: It is something though that you may support in principle.

Ms Voyvodic: Yes, I am intrigued by the idea.

Mr Marchese: I would like to ask you why you would like to be a member of the Ontario Advisory Council on Women's Issues, and if you could, in your answer, include a vision that you might have for your own desire to be there, some of the objectives, some of the challenges or frustrations.

Ms Voyvodic: As the committee may be aware, this is a very brief appointment. The advisory council has basically a mandate till December 31 to consult with women throughout the province. Though the vision that I have is, shall we say, somewhat more of a snapshot than a full-blown vision, when there is a time line like that placed on anything, one has to be very realistic and accept that the consultation one is engaged in will have to be fairly clearly and sharply focused on the goal at hand.

I think the goal is to present to government a plan for the future of the advisory council. That is something I find very interesting personally. I have been involved somewhat, I have certainly been informed by the research of the advisory council over the years in its various manifestations. The idea of an arm's-length sort of body which advises government is I think a very good model for advisory councils generally, but particularly when it comes to women's issues.

When you ask what is my motivation or why I would like to become involved in it, there are so many things at this particular moment that are critical to the wellbeing of people in Ontario generally, but I would suggest particularly women and children; and I am thinking of things as widely ranging as social assistance review which, as you all know, concerns those groups in particular as well as the whole of society, and other issues which have to do with mental health, which have to do with housing.

There are so many things that have great impact on women. When a government is charged with policy-making, law-making, etc, to have a body that is a sort of specialist in one area is a very good thing. I am familiar with some of the members of council, who I do consider to be experts in this area and very well informed in many issues touching on women's rights. I am somewhat humbled by that.

I do not want to cast myself as an expert at all, but I think I have had an opportunity particularly in teaching feminist legal theory in the faculty of law at the University

of Windsor. I have had an opportunity to do some thinking about some of these issues. In my work as a lawyer in private practice and in a legal clinic, currently I am dealing with a lot of issues that are perhaps more practical and day to day. I have looked at the theory and I am looking at the reality, and I think those experiences have helped me and have made me want to get involved in this way.

Mr Frankford: A broad question: Are other agencies doing the same sort of thing, and where does it fit into the general scheme of things?

Ms Voyvodic: I am not sure this is actually considered an agency, as an advisory council. I do not know the terminology, but I have to say I believe it is unique. Again, I do not really have the benefit of having done a lot of research in other areas of government policy-making, but I know how it differs from the federal Canadian Advisory Council on the Status of Women and some of the provincial councils. I think its track record has been fairly good in the sense that there have been many policy papers and other materials that have been brought to the attention of government, and therefore to the people, touching on these issues. As for how it compares, I would have to suggest that it has a pretty good track record.

Mr Offer: On your résumé, it refers to present employment as Legal Assistance of Windsor. I am wondering if you might want to share with me what that is?

Ms Voyvodic: It is a legal clinic funded by the Ontario legal aid plan and sponsored by the University of Windsor faculty of law. It is a clinic where students from the university spend a semester receiving credit toward their law degree.

Mr Offer: It is stated that the Ontario Advisory Council on Women's Issues advises government on issues pertaining to the achievement of economic, social and legal equality for women. You are from the southwestern part of the province and I wonder if you feel that there are particular issues unique to that geographic area which you might want to share with the council as a member.

Ms Voyvodic: If I had to pinpoint something specific in answer to your question, I think it would have to be in that area of unemployment, underemployment, day care—all of the things that revolve around where women work, whether in a city, in a factory or on a farm. Windsor has been affected fairly severely by plant closures and by other examples of the downturn in the economy. Women have been displaced not only as workers, but in many cases as second wage earners within struggling families. These matters will become clearer after the consultations that go on next week in Windsor in which unemployment-related issues may be raised.

Another issue is that of day care, both in urban and rural settings. Windsor is part of Essex county, which has a large farm population. There are other counties—Kent and Lambton in the southwest—where there are active women farmers who have brought concerns related to day care, related to safety, those types of things, to the attention of various groups, including the agricultural groups and so on.

Particularly acute in Windsor and in the southwest right now are issues related to the environment, which might not seem like a gender-related issue. But many

women's groups have targeted this as one of their areas for involvement.

Violence against women is not limited to any geographical area, but in the Windsor area there have been some needs that have been identified which cannot be met. I am talking here about providing services to victims of violence outside the actual municipality of Windsor.

Mr Offer: Certainly the council has provided advice to the government in a variety of areas in the past. I wonder if you have any thoughts as to what some of the issues might be in the future. I know we can all go through some of the recommendations in the past and ask where you stand on those particular points, but I think we all recognize that as time passes, so do the issues, and some of the sensitive areas change; we do not deal with snapshots in time. I think it would be helpful to the committee, certainly to myself, if you would share any new areas that the council, in your opinion, should be involved in that maybe it has not yet been involved in.

1120

Ms Voyvodic: As I mentioned earlier, the council right now is in a period where consultation is really its key focus, looking at exactly the question you have asked, what the people of Ontario think about that. The questions being posed in the consultations that are going on right now are: Where does the council fit into people's lives? How do they want the government to respond to these kinds of concerns? and so on.

I could give you my personal agenda for what I think should be done in the sphere of women's issues. I hesitate to do that without really having an opportunity to be involved in the consultation in the southwest next week. I suspect that is going to look at issues as widely ranging as health—many variations within that topic, from senior women or health for the aged population, mental health issues, child-related, midwifery; I just read in the *Globe* this morning that there is some movement in that area. There are lots of things the council has done research on in the area of mental health in particular, and so on. In the area of family law, there has been consultation done on support, the enforcement of support orders, access. Those kinds of things are continuing to be issues, and as the consultation goes on, I am sure it will be much clearer in my mind what exactly should be the future agenda. I do not really feel at this moment I can do anything more than guess.

Mr Offer: If I might ask just one more question, I think we are all aware of the very good work that has been done by the council in the past and that we certainly know will continue in the future. I indicated that the stated mandate of the council is to deal with issues pertaining to economic, social and legal equality for women. Do you feel there is work that can be done by the council in reaching out to the women of the province, for which the council has the stated mandate to advise upon? In your opinion—I cannot say this any other way—do women in the province feel this council is someplace they can input into, that they can share with, that they recognize what the role is and the work that has been done in the past, and whether there is room for improvement in this area?

Ms Voyvodic: I do not think it is being critical to say there is room for improvement. Any time a group is representative, or supposedly representative, it has to conduct very wide outreach in all areas of the province. I am not sure if you are familiar with these consultations I have spoken about that are going on. I understand they started in the spring and have gone throughout the province and are going on right now. Literature has been provided to the communities; footwork has been done beforehand identifying who the target populations are, trying to get some outreach done within the community to solicit attendance by all kinds of women. I know that in Windsor, from what I have heard in the various groups I am involved with, there has been a huge response to this initiative, and I think that speaks well to this idea you are talking about: outreach.

It may be that the work being done is extremely valuable, but if it is not available to the people it involves or should involve, it may be a rarefied exercise and not really accessible or useful to many people. The whole notion of consultation and outreach is one that I think is really vital.

The Chair: There is time for one quick question, Mr McGuinty.

Mr McGuinty: I have no question, Mr Chair.

The Chair: Mr McLean indicated to me before he departed that he had no questions and wished you well with your new responsibilities, Ms Voyvodic. Thank you very much for appearing.

The final matter on our agenda is the determination of whether we concur with the intended appointments we have reviewed today. We can deal with these individually or as a bloc or, if any member requests a delay, we can deal with it next week. How does the committee wish to proceed?

Interjection: As a bloc.

The Chair: Mr Marchese moves that the committee concur with the intended appointees reviewed today.

Motion agreed to.

The Chair: That concludes the agenda for today. I want to remind the members of the subcommittee that we are going to have a brief meeting following this meeting.

The committee adjourned at 1126.

CONTENTS

Wednesday 16 October 1991

| | |
|--------------------------------------|-------|
| Appointments review | A-643 |
| William Haskett | A-643 |
| Michele Schlueter | A-644 |
| Nancy Toran-Harbin | A-646 |
| Rose Lynne Voyvodic | A-649 |

STANDING COMMITTEE ON GOVERNMENT AGENCIES

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Legislative Assembly of Ontario

First Session, 35th Parliament

Official Report of Debates (Hansard)

Wednesday 23 October 1991

Standing committee on government agencies

Appointments review

Assemblée législative de l'Ontario

Première session, 35^e législature

Journal des débats (Hansard)

Le mercredi 23 octobre 1991

Comité permanent des organismes gouvernementaux

Révision des nominations



Chair: Robert W. Runciman
Clerk: Douglas Arnott

Président : Robert W. Runciman
Greffier : Douglas Arnott



Table of Contents

Table of Contents for proceedings reported in this issue appears at the back, together with a list of committee members and other members taking part.

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Table des matières

La table des matières des séances rapportées dans ce numéro se trouve à l'arrière de ce fascicule, ainsi qu'une liste des membres du comité et des autres députés ayant participé.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 23 October 1991

The committee met at 1009 in room 228.

APPOINTMENTS REVIEW

Resuming consideration of intended appointees.

The Chair: If we could come to order, please. I see a quorum. I would ask our first witness to come forward.

ELINOR GRACE MAHONEY

The Chair: Welcome to the committee. Ms Mahoney is an intended appointee as a member of the Residential Rental Standards Board. It is a half-hour review, and if you have no objections, I think we will get right into the questions. Each party is allocated 10 minutes, and as you were selected by the official opposition review, I look to Mr Grandmaitre to begin questioning.

Mr Grandmaitre: Thank you, Mr Chair, and good morning, Ms Mahoney. I am not going to ask you about your experience, because I know you have had a great deal of experience dealing with landlords and tenants over a great number of years. My first question concerns minimum maintenance standards at the municipal level. Do you think this government should impose, or have legislation that would impose, minimum housing standards at the municipal level? In other words, should every municipality in the province of Ontario have a minimum standards bylaw? At the present time just a little over 50% or 60% of our municipalities do have minimum housing standards, and it is not working. Do you think the government should impose this upon municipalities?

Ms Mahoney: As you know, the previous government brought in the RRRA, the Residential Rent Regulation Act, and that imposed something slightly different, a minimum provincial standard on rental housing. It applies only to rental housing, not to other residential housing, and it acts as sort of a default fallback to cover those municipalities which do not have municipal standards.

I understand that a recommendation went forward some time ago from the Residential Rental Standards Board to the minister recommending that the government look into imposing, through an amendment to the Planning Act, I believe, municipal standards that would be enforced and come forward from the municipalities. I think I am sort of 50-50 on whether I think it should be administered strictly from the municipal side or whether it should be from the provincial side.

I had the privilege of travelling to different municipalities throughout Ontario over this past summer to follow the Bill 121 hearings. What I heard tenants requesting was a province-wide standard, as there is now, and as there may not be under Bill 121, and that it should be an addition to municipal standards.

The problem is that the committee travelled only to municipalities that had a municipal housing standard.

What I heard from representatives from legal clinics in Hastings and Prince Edward counties is that municipalities that do not have an adequate housing standard to cover the insides of rental housing should adopt one in addition to the provincial standard.

I guess it all comes down to how much the provinces want to impose upon municipalities. I think that decision is one that cannot be taken lightly and cannot be taken in isolation from other provincial-municipal concerns. So I really cannot comment on whether that is the way to go. What I do believe is that at a very minimum there should be a provincial standard for residential housing, particularly for rental residential housing, and there should be a fallback provincial enforcement where municipalities fail to enforce existing bylaws properly.

Mr Grandmaitre: So basically you are agreeing with me, because I would like to see a provincial standard.

Ms Mahoney: I would like to see provincial standards, whether they are fully municipally enforced or not. My understanding, through the hearing process, is that tenants want to have a second crack. If the municipalities do not enforce standards, they want to be able to go to the province and say: "Will you do it for us? The municipality won't." So my understanding is that tenants want to have a provincially enforced standard, even if it is in addition to a municipally enforced one.

Mr Grandmaitre: As you know, Ms Mahoney, under Bill 121 the board will be abolished. Do you agree with this or not?

Ms Mahoney: You can imagine what the obvious, self-serving comment would be. I do not agree with it, and in fact that would be the comment I would have made long before my name was put forward as a nominee.

Those of you who have been involved with the Bill 4 hearings and with the responses to the green paper and with the Bill 121 hearings know that the Tenant Advocacy Group, of which I am a member, has taken a consistent position. This is that the Residential Rental Standards Board should be strengthened and have additional duties and that the duties now allegedly done by the rent review services branch, which is enforcement of rent penalties, should be taken away from the branch and given to the board.

What the minister has elected to do with Bill 121 is exactly the opposite, which is to take the functions of the board and give them to rent review services branch. Our organization opposed this, and we continue to oppose it. As a board member, I would, of course, be restricted to doing the duties currently assigned to the board, which also, you might remember, include making recommendations to the minister about housing policy. I think it is indicative of the minister's flexibility that despite the fact that the minister knows my organization and I oppose that particular provision

of Bill 121, she has nevertheless endorsed me as a candidate for the board. So one assumes that she is certainly open to hearing opinions that may not currently be the provincial housing policy.

Mr Grandmaitre: What are your thoughts on the 3% cap on capital improvements? Do you think it is enough? Do you think it is fair?

Ms Mahoney: My initial response would be that the 3% cap is misunderstood by almost everybody.

Mr Grandmaitre: Does that mean tenants and landlords?

Ms Mahoney: It is misunderstood primarily by government politicians who served on the Bill 121 committee and also, I believe, by a lot of other people who do not understand rent review because their lives have not required them to and who are gallantly trying to understand how the cap would work in Bill 121. I cannot, in the time allotted to me, explain how it works. I would love to have had an opportunity to do so at the Bill 121 hearings.

What I hear many people saying is that 3% is not enough to cover the cost of capital expenditures required for this province. I would agree with that, but on a policy level, I would have to ask, "Is it intended to?" I think the answer to that, from the minister, is clearly that it is not intended to. It is intended to represent the tenants' share of the cost of capital expenditures on an annual basis. It is not intended to cover the cost.

What the minister said, what the previous minister said, and what, indeed, the Premier said, is that a tenant's rent is intended to cover a whole slew of things: not just the four walls, but regular upkeep, maintenance and upgrading, where necessary, of capital expenditures. Adding all these extra costs to the annual rent increase is, by its nature, unfair, so I believe what the minister has done is to say tenants should pay a share of that because they benefit. But they do not benefit totally, because they do not own the building. They do not benefit when the building is sold. They do not benefit from the tax relief and so forth that a landlord who does capital expenditures may obtain. I believe what the minister is saying is that the 3% represents, on an annual basis, what is reasonable to expect the tenants to pay.

I may or may not disagree with that position, but I think it is the minister's position. When people say that 3% will not pay the costs, I think that is accurate. But I do not think that is a telling criticism of the 3%, because I think the minister would say that landlords, who own the property, should also pay, and that their share is the rest.

Mr Grandmaitre: Are they not paying the mortgage?

Ms Mahoney: Do they not own the building?

1020

Mr Grandmaitre: Yes, but—I did say it was my last question. Dalton.

The Chair: One quick question.

Mr McGuinty: One quick one, eh? That is tough. Maybe you can respond to this, please. It is Ms Grace-Mahoney or Ms Mahoney?

Ms Mahoney: Is it Ms Elinor Mahoney.

Mr McGuinty: Okay. The landlords have complained that with this cap they are not going to be able to pass along sufficient costs and as a result—you have probably heard this argument several hundred times—buildings are going to deteriorate and the net result is going to be additional work for the board. Do you see that?

Ms Mahoney: My quick answer would be that the minister is taking care of it by abolishing the board, so it is somebody else's work. However, that work I would be willing to take on if the minister were to change her mind and extend the reign or whatever of the Residential Rental Standards Board. I think it is fair enough to say it should be a government priority to protect rental housing and to enforce the standards. The other board members would probably also say it is fair to take on that extra work, that it is important work.

Mr Frankford: I am a representative for Scarborough, and basement apartments are a big issue there. Does that come within your jurisdiction now?

Ms Mahoney: Do you mean, would it come into my jurisdiction as a board member, or do I have knowledge of that in my current position?

Mr Frankford: As a board member.

Ms Mahoney: My understanding is that when work orders go forward to the board, sometimes a work order will say work has to be done in the apartment, but there may also be a part of the order that says the landlord is required to obtain vacant possession. That creates quite a quandary for the board, because the board's responsibility is to improve the maintenance standards of housing, not to get rid of the housing. So I am sure they have to be very careful which parts of the order they recommend the minister act on in the capacity of a rent penalty.

Mr Frankford: At the present time basement apartments are illegal in Scarborough, so although in theory you may have jurisdiction, in reality people would not be raising complaints until they were legal?

Ms Mahoney: That is right, and it has been the view of the Tenant Advocacy Group and my view as well that the province should look very carefully at all the laws affecting tenants' rights. It is our view that tenants who live in housing that for one reason or another does not meet with the restrictive zoning requirements really do not have access to their rights under tenant protection legislation. We feel that is an inequity that demands to be righted. I do not believe it is within the ambit of the Residential Rental Standards Board except with respect to making recommendations to the minister. Certainly that is an issue I would take to the board as a tenant representative.

The Chair: Does any other member of the government have any questions for the witness? Hearing none, that concludes your appearance before the committee, Ms Mahoney. We wish you well.

Ms Mahoney: Thank you very much.

The Chair: The next matter on the agenda is to determine whether the committee concurs in the appointment of Ms Mahoney. Of course, if any member of the committee wishes to defer this for one week, that will be the case. If

not, I will entertain a motion concurring with the appointment.

Mr Wiseman: Concurrence.

The Chair: Moved by Mr Wiseman that the committee concur. Any comments? Questions? All in favour? Opposed?

Motion agreed to.

The Chair: Congratulations.

SUBCOMMITTEE REPORT

The Chair: The next matter is the report of the subcommittee on the committee business. It is attached to your agenda. I will give you all a couple of minutes to go over this and see if you have any questions or concerns.

Any comments or questions about the subcommittee report? Are we in agreement to accept this as presented?

Mr Waters: Today we will be done prior to 11 o'clock, unless we have a full schedule. Is there some possibility of looking at some of the reviews, if we know long enough in advance?

The Chair: I think the subcommittee is attempting to achieve that by meeting every two weeks. I do not think we will have these kinds of holes in our schedule in the future. Hopefully that will not be the case.

Mr Waters: Thank you, Mr Chair. I appreciate that.

The Chair: Anything else? Nothing else. Accepted as presented, then. I will not require a motion.

MEMBERS' SERVICES

The Chair: The next matter is a request by Mr Frankford in relation to committee resources and a number of suggestions and proposals he wants to bring forward to the committee.

Mr Frankford: I find this an interesting committee because it really gives us a lot of information about agencies and about the appointees. Consequently I, and I am sure every one else, is getting a huge stack of paper, and it is not manageable.

For a start, I would like to know what is available on computer, because if the stuff was on disc it would be much more accessible. Is Hansard on the computer? Are the research documents we get? Could they be provided at this present time on disc?

The Chair: Our clerk and researcher can contribute.

Mr Pond: This is Doug's jurisdiction, not mine, but I know in my office there is a policy that the electronic mail function on our terminals is not hooked up with the members' terminals, if they have them, for security reasons.

As you know, whenever we deliver a document to a member or, in the case of a committee, to the clerk, it is in a sealed envelope and the recipient has to sign for it and that goes into our records for security reasons. I guess the concern—again, this is Doug's jurisdiction, not mine—in the library has always been that if you send stuff on electronic mail directly to a member there is a security risk. You do not know who is going to be looking at it on the other screen and you do not know what is going to happen

to a document when it is on somebody else's screen. Doug is the authority on this, not me.

Clerk of the Committee: I have no answers at this point. On the question of committee Hansard, I do not believe committee Hansard is available through electronic mail. I believe House Hansard is. I can investigate whether that is feasible and report back.

1030

The Chair: I guess, Dr Frankford, what you are saying is that the volume of mail you get in respect to this committee is just too onerous and difficult.

Mr Frankford: There is a huge pile of stuff. One day one might like to recall it to see the research stuff on agencies or the background on individuals or whatever. If it were on disc I think it would be quite easy to manage. Right now it is unlikely really to be utilized.

Perhaps there is a further step. What about other things? I was thinking, as one example, of the Ontario Municipal Board's 400-page consultants' report. Do consultants produce those things on disc? If that were the case, then it could be easily distributed and we could all read it.

The Chair: I am advised they did not.

Mr Pond: Coopers Lybrand did not in that case, and that is why Mr Kruger would not give you a copy.

Mr Frankford: I will come around to that, but perhaps we could make a recommendation that in future consultants' reports should be.

Mr Pond: Mr Kruger will say he needs more money to pay for that.

Mr Wiseman: Now, wait a minute. Most people do their reports on computers now and store them on a disc. What we would really be asking is that they supply a disc as opposed to a 400-page copy. Is that a big deal? A 400-page report, published, bound and so on has got to be a lot more expensive than a solid disc.

Mr Pond: The concern there is that discs can be altered by the recipient.

Mr Wiseman: Not if you put in a secret code word that says you cannot access the programming.

Mr Pond: I defer to your greater knowledge.

Mr Frankford: It is quite easy to check whether it matches the original: Count the bytes or something.

Mr Wiseman: I am not sure that this is a big deal in terms of security.

Mr Grandmaitre: You can always call the OPP.

Mr Wiseman: I am sympathetic to what my colleague is saying. These are the pages we have received so far. My opinion is that as we are doing a public review of the appointees and as their résumé is part of the public domain, the questions we deal with in this committee are part of the public domain through Hansard, and the descriptions the researcher supplies us with are also public domain, this kind of thing could be done electronically. Some of the other topics and issues would be sensitive and therefore would not want to be done electronically, but is there some way we can define how it is?

The second part of the question is the cost associated with doing this. A very careful assessment of what that means to the committee's budget would have to be discussed and thought about before we would be able to go ahead and do that.

The Chair: It would have implications for other committees as well.

Mr Waters: Not wanting to throw too much of a wet cloth on all of this, I know in my case I do not have a lot of time in my office. When I am reading this, it might be a few minutes in the House, it might be a few minutes waiting for a meeting or whatever, so the problem then becomes, if it is on a disc, how do you access it if you are outside your office? If you have time enough to sit in your office a disc is great, but if you do not have time enough to sit in your office—

Mr Wiseman: Do you not have a laptop computer?

Mr Waters: I just wonder if the expense of a laptop computer for everybody in the Legislature—

Mrs Carter: I will tell you something: I do not want one.

Mr Waters: That is a concern. If you supply discs, the next thing you will have is vast numbers of members requesting the laptop to go with the disc, and where does it end?

Mr Wiseman: I am getting a laptop anyway, because they are great.

Mr Marchese: As a personal point of view, I am not a big fan of computers or anything associated with them. My immediate instinctive reaction is to say no, that the present system works well for me. But given the concerns some members are raising, I wonder if Douglas could not prepare something on the advantages and disadvantages of computerizing, based on cost or efficiency or—

The Chair: Security.

Mr Marchese: Security and perhaps other things. Would that be a useful thing to do for the members so that we do not spend too much time on this?

The Chair: It is probably useful. I just wonder if it is reasonable at this point in time. We will have Doug respond to that.

Clerk of the Committee: To start with, I certainly do not have the expertise to assess your needs, but I guess that is not the first question. The cost viability I could assess, I suppose. However, I do not have the basic computer expertise and would have to go to other sources within the assembly for that. That is possible, though.

Mr Marchese: That is fine. The difficulty is, if members say, "This is what we need," you have to do that anyway. Before we do that, it would be useful to use whatever

knowledge or expertise you need to draw on just to put together two pages of—

The Chair: Since we are talking about a service for members though, I wonder if it would not be more appropriate—Doug can correct me if I am wrong—for us just to make a request to the standing committee on the Legislative Assembly, which for all intents and purposes is the committee responsible for members' services. It may be something that falls within their mandate, because it would have implications for all committees, not just this committee. In view of the concerns expressed here today, perhaps it is something whose feasibility we could request they take a look at.

Mr McGuinty: I was going to say the same thing. I think there is merit to investigating this further, but I would suggest it is outside the scope of this committee and probably Doug just does not have enough time or the expertise to deal with it. I would suggest it is something that should be taken up with the standing committee on the Legislative Assembly because if it has implications, it has implications for all committees and for the way we do business here. Maybe this building, which is going to be 100 years old next year, and the procedures we follow here just have not to caught up with modern technology. Maybe that is what we are after here.

Mr Marchese: Agreed.

Ms Carter: But I think we are always going to need hard copy that we can carry around and pull out when we have five minutes.

Mr Frankford: In response to what Dan said about what one would use it for, I see this committee as particularly valuable for the archival stuff being developed, there is going to be a real body of knowledge about agencies and about appointees. So I do not agree that it is just a matter of choice and that you can do it just as well from a file of hard copies. I do not think you can. I think that is no longer acceptable. With computers you can search up, down, sideways and backwards.

The Chair: To make sure we have covered all the bases, perhaps if he has a moment or two Doug could contact you to prepare a draft letter the committee could look at next week to agree or disagree with or make some changes. Once we have agreed on the content of the letter and the request, we can forward it to the standing committee on the Legislative Assembly.

Mr Marchese: Sure.

The Chair: Anything further while we have this opportunity?

Mr Marchese: I move adjournment, Mr Chair.

The Chair: The meeting is adjourned.

The committee adjourned at 1139.

CONTENTS

Wednesday 23 October 1991

| | |
|----------------------------|-------|
| Appointments review | A-653 |
| Elinor Grace Mahoney | A-653 |
| Subcommittee report | A-655 |
| Members' services | A-655 |

STANDING COMMITTEE ON GOVERNMENT AGENCIES

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government agencies

Appointments review

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Le mercredi 30 octobre 1991

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organismes gouvernementaux

Révision des nominations



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Clerk: Douglas Arnott

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Table of Contents

Table of Contents for proceedings reported in this issue appears at the back, together with a list of committee members and other members taking part.

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Table des matières

La table des matières des séances rapportées dans ce numéro se trouve à l'arrière de ce fascicule, ainsi qu'une liste des membres du comité et des autres députés ayant participé.

Il existe un index cumulatif des numéros précédents. Les renseignements qu'il contient sont à votre disposition par téléphone auprès des employés de l'index du Journal des débats au (416) 325-7400.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 30 October 1991

The committee met at 1014 in room 228.

APPOINTMENTS REVIEW

Resuming consideration of intended appointees.

SHARON LAFFRENIER

The Chair: Come to order, please. The first item on our agenda this morning is a half-hour review of an intended appointment to the Hamilton-Wentworth Region Police Services Board, Sharon Laffrenier. Sharon, would you like to come forward, please, and take a seat. Welcome to the committee.

You have been selected for review by the official opposition. It is a half-hour review, 10 minutes by each caucus. We will start the questioning with Mr Grandmaître.

Mr Grandmaître: Ms Laffrenier, how did you find out about this opening?

Ms Laffrenier: I read about it in the Hamilton Spectator, and I was approached by a council member.

Mr Grandmaître: You were approached by a council member to submit your application?

Ms Laffrenier: Yes.

Mr Grandmaître: How long have you been living in Hamilton-Wentworth? Were you born there?

Ms Laffrenier: I was born in Hamilton.

Mr Grandmaître: So you are quite familiar with the composition of the population. Do you think the police force is really representative of the population in its composition? There are 54 female police officers in the force. Do you think that is representative of Hamilton-Wentworth?

Ms Laffrenier: I think improvements could be made. Police work is tough work and they have made some good decisions, but this area could be improved on.

Mr Grandmaître: Being involved in your community as much as you are, how would you describe the Hamilton-Wentworth Regional Police Force?

Ms Laffrenier: Whenever I have had to work with a client, the Hamilton-Wentworth police have always been quite helpful. I feel they do a very good job in our community. There is always room for improvement, but I am satisfied with the work of the Hamilton-Wentworth police.

Mr Grandmaître: Were you there when the change-over took place from a municipal force to a regional force? You were living in Hamilton at that time?

Ms Laffrenier: Yes, I was.

Mr Grandmaître: Do you think services have improved under a regional police force?

Ms Laffrenier: I do not have information to qualify me to answer that.

Mr Grandmaître: Given that there are five members on the police services board—three, if I am not mistaken,

appointed by order in council and two municipally—and that regional government is paying 90% or maybe 92% of the total police budget, do you think the municipal people should have better representation on the board?

Ms Laffrenier: I think the budget should be shared and that the municipal people should have equal representation.

Mr Grandmaître: Equal representation?

Ms Laffrenier: Yes.

Mr Grandmaître: At the present time it is three and two. It is difficult to have two and a half.

Ms Laffrenier: I realize that. I think three and three would improve the system.

Mr Grandmaître: Let's face it, you are a member, not an intended member, of this police commission. You have been appointed. You are appearing before us for the simple reason that we wanted to meet with you this morning, and that is the only reason why you are here. It is a fait accompli.

Now that you are a member, what will you be pushing for? Do you have some idea of what you would like to see your police force do?

1020

Ms Laffrenier: I would like to see new programs for a better relationship with the police in our community and new programs for pre-teens, teens and children. I am a single parent and would like to see this type of improved service. I would like to see some of our existing programs enhanced.

Mr McGuinty: Ms Laffrenier, you are probably aware that the government has set in motion a program to ensure that persons of various prescribed groups will be reflected within the police population, and those groups, as I understand it, are women, the disabled, native persons and visible minorities. What do you think would be a reasonable time for police in Hamilton-Wentworth to reach a point where they truly reflect the population they serve? How much time do we give them?

Ms Laffrenier: I do not think I would put a time limit on it. Plans and policies have to be developed. I believe it is this board's work to get involved in developing some of these policies and decisions.

Mr McGuinty: Among the concerns have been advanced—they are traditional concerns and heard about in other countries—is that with respect to promotion, there might be somebody on the force who has served his 10 years or whatever and now feels he is not being promoted to sergeant because he does not belong to a prescribed group. Or there may be a woman with a BA who says she should be hired by the force. In the past a BA would have been sufficient to enable her to become a member of the force, and now she is being discriminated against. I am

sure there is going to be all kinds of talk about reverse discrimination. How are you going to contend with that?

Ms Laffrenier: I believe in employment advancement for everyone and I would say that a person not of a visible minority with all the qualifications will be promoted.

Mr McGuinty: But they might not be able to do that because it will be in conflict with the program.

Ms Laffrenier: Even visible minorities would need experience to qualify. But I would try to talk to these groups and point out that part of their job is making way so that minorities will feel comfortable in our society, and they may have to give up something in order for our community to be able to work together. I think it would be a learning experience.

Mr McGuinty: Yes, I guess you could call it that, an interesting learning experience.

Ms Laffrenier: And it should be together.

Mr McGuinty: You have not really addressed the issue I have raised specifically, but I am going to let it go at that. Thank you.

Mr McLean: Do you know any other members who are on the board now?

Ms Laffrenier: No.

Mr McLean: Are you familiar with the police services board and what its responsibilities are at all?

Ms Laffrenier: Its responsibility would be trusteeship, accountability to the community and policy determination.

Mr McLean: I am wondering about a couple of specifics. There has been a lot of discussion with regard to shootings. Do you feel that an officer should have to file a report if he draws his revolver?

Ms Laffrenier: This is quite serious. I feel a report should be filed, yes.

Mr McLean: The government's goal is for 50% females on the police services board. Is that a goal you agree with, that there should be 50% females in government service boards?

Ms Laffrenier: This could be a long-term goal.

Mr McLean: Could you relate your feelings about how visible minorities are treated in your area?

Ms Laffrenier: This would reach out to individuals. There is prejudice in my area, but I feel that if you treat people with respect, that is what you should get in return.

Mr McLean: Are the visible minorities in your area being treated fairly?

Ms Laffrenier: There are visible minorities in my area treated fairly. There are also visible minorities in my area who have complaints about how they have been treated.

Mr McLean: I guess everybody could have a complaint about how he is treated, and not only visible minorities.

Ms Laffrenier: That is true, but I think especially with children that these types of name-calling hurt more and I think there are ways of dealing with this. The community should be involved, especially the police services.

One of the reasons I say this is because I feel the police should be a good role model for the rest of the community.

Mr McLean: In order to serve on the board, has anybody investigated your record, if any? I do not know. I am just curious. Does anybody who serves on the police services board have to have a clean record?

Ms Laffrenier: Yes. I believe they do.

Mr McLean: So you were investigated?

Ms Laffrenier: Yes.

Mr McLean: I see. That is interesting.

Mr Klopp: They cannot be a politician.

Mr Frankford: I am from Metropolitan Toronto, and Scarborough in particular. In the municipal elections, crime is becoming quite a big issue. Is that the same in Hamilton?

Ms Laffrenier: That has something to do with my work. I think a lot of it is crime in the low-income area.

Mr Frankford: Yes, but is this something that is becoming a local political issue?

Ms Laffrenier: In the Hamilton area crime is pretty stabilized.

Mr Frankford: So it is not a high priority in the local election. Is that right?

Ms Laffrenier: To me, it is always a high priority.

1030

Mr Frankford: I was just interested in comparing your metropolitan area with my metropolitan area.

Ms Laffrenier: I see. No, I would say there is no comparison, because Toronto has a much higher crime rate.

Mr Frankford: So it is not such a controversial area, you might say.

Ms Laffrenier: Right.

Mr Frankford: Are there some specific local areas that are seen as higher crime areas?

Ms Laffrenier: Yes, the ghetto areas. I would say the north end of Hamilton.

Mr Frankford: Do you have any thoughts about how you would like to allocate resources to deal with that?

Ms Laffrenier: Yes. There are some interesting ideas I have for programs.

Mr Frankford: If you want to share, please take the opportunity. We would be interested.

Ms Laffrenier: There could be programs set up where teens could get involved, especially pre-teens. I think the problem is mainly in the malls, being macho and violent. It would be nice to see programs set up where the police could interact with these children before they commit crimes, get to the problems before they get out of control.

Mr Frankford: Have you had the opportunity to discuss these thoughts with the police already?

Ms Laffrenier: No, I have not. But this would give me an opportunity.

Mr Frankford: This would address problems of urban violence and drugs, I guess.

Ms Laffrenier: With pre-teens and teenagers, especially males, before the problems get out of control.

Mr Frankford: That gives me the opportunity of asking your impression of the relative importance of things. Presumably domestic violence is another quite significant component of overall crime.

Ms Laffrenier: Yes. I would like to see the police be more responsive to domestic violence, and more action.

Mr Frankford: In regard to domestic violence, "domestics" as they are usually called, which takes up a considerable amount of time in routine police work, do you think this is something which should be a standard procedure done by regular police officers or do you think there should be more involvement of other non-police agencies?

Ms Laffrenier: I think there could be more involvement with non-police agencies, linked with the police.

Mr Waters: Along the lines that Mr Frankford started talking about, with the involvement of people outside the police force in family violence, I know that in Vancouver, at one time anyway, they had a program where a social worker or a specialist rode with the police in cases of family violence to deal with it. Do you think that would be something we should look at in this province, that we either equip our officers or have specialists ride with them so they are right there at the initial scene? Do you think that would be of advantage?

Ms Laffrenier: I might want to monitor the program in Vancouver and see what the advantages and the disadvantages were before implementing a program such as that.

Mr Waters: When I was looking at your biographical background, I see you have been quite active in the Hamilton area. Do you feel that will help you in your job if you get the posting?

Ms Laffrenier: Yes, I do. I feel that working with people living in poverty and on low incomes and with the police department would improve situations in our community.

Mr Waters: The Freedom of Information and Protection of Privacy Act: There has been a lot of discussion about what police should or should not release to the public, as in names, etc. Could you give us some of your feelings on that?

Ms Laffrenier: Could I get you to be more specific? What issues?

Mr Waters: Let's say in a violence case, a rape case or something like that. Do you feel that all names should be open in the press or do you feel that people's privacy should be protected at all costs, the victim as well as the accused? How do you feel?

Ms Laffrenier: I feel that the victim should be protected. My feelings would go for the protection of privacy of the victim.

Mr Waters: Let's say for the person who was charged then. He has been charged; he has not been found guilty.

Do you feel that his name should be on public record, on the local news broadcast and in the paper?

Ms Laffrenier: I think that would be a legal question that I would have to go by.

Mr Waters: I have no other questions.

Ms Carter: Do you see any problem with police being able to take part in politics in their own free time? We are making changes that are going to give police more latitude to take part in public affairs themselves. How do you react to that?

Ms Laffrenier: I believe police should get involved politically, definitely.

Ms Carter: But not in their official capacity?

Ms Laffrenier: No.

The Vice-Chair: Thank you, Ms Laffrenier for appearing before the committee this morning. You can relax now. It is all over. We wish you well.

Ms Laffrenier: Thank you.

DAVID HOWARD WOODHOUSE HENRY

The Vice-Chair: Next on our schedule is proposed appointee to the Lieutenant Governor's Board of Review, Mr David Howard Woodhouse Henry. If you would like to come forward Mr Henry and have a seat. Mr Henry was requested to appear as an intended appointment selected by the third party. If Mr Henry has an opening statement we would be pleased to hear it, unless he wants to get right into questions.

Mr Henry: I would be glad to do whatever the committee thinks I should do, sir. I have no opening statement at all. I perhaps should ask how much information the members have. I am more or less—what shall I say—ill-informed at the moment, because I have not worked with the board. I know of their work because, having been a judge for 18 years, I have seen the whole process in operation at second hand with my colleagues who have, starting with Justice Edson Haines, come right down to the present.

The application is not my application. I would like to make this clear to the committee. I was approached by the Chair and Mr Justice Callaghan, who got me out of bed one morning at the cottage and asked me if I would consider taking on the post of alternate. I said, "Okay," because it is my line. I am off the bench as of 10 hours ago. Midnight last night I ceased to be a judge. That is apparently what they want, somebody who has been on the bench for some time.

1040

To make an opening statement, if I could paint this picture—and anybody stop me if he knows all about it, because I have prepared nothing whatsoever. I was told not to prepare. But according to the Minister of Justice's press release, which is what I am going by—I assume this gives enough information about what they are going to do—there are two things you might want to bear in mind.

The first one is that there is a Governor General's warrant system in operation at the present time, which is going to change as soon as the Criminal Code amendments take

effect. Some of you know that, apparently. Have you got that in the material?

Mr Runciman: We have that information.

Mr Henry: Okay, so you know there is going to be a change. At the present time the Governor General is the one who releases, at his own discretion, people who are in there, having been found either not guilty by reason of insanity or not fit to stand trial. What is going to change is that it will now be taken out of his hands and placed in the hands of the board and the courts.

The board comes into operation after the courts have made some preliminary decisions, I hope you know that, and then what we do is what I would regard as a quasi-judicial operation, and that is my approach to it as a judge. I will act judicially and I will apply the law as best I can, with the assistance of a panel of about four other people, who are a psychiatrist or two, a psychologist, a lay person, a lawyer and an independent consultant, who I believe will be a psychiatrist, who will give information to the committee which will be divorced from the hospital personnel, shall we say, so that you have an independent outsider making an assessment.

That is my quick overview of what is happening now and what the Minister of Justice has in mind in his amendments.

The Vice-Chair: This is a one-hour review, so we have about 15 minutes for each party, starting with the third party.

Mr Runciman: I thought an hour divided by three was 20, but in any event—

Interjection: It's the new math.

Mr Runciman: How shall we address you, as Mr Henry or Justice Henry?

Mr Henry: I am no longer Justice Henry, as of 10 hours ago.

Mr Runciman: Welcome to the committee. I have some personal interest and I requested your review by this committee because I have a psychiatric facility in my riding, Brockville Psychiatric Hospital, which has a medium-security forensic component.

Mr Henry: Yes, I know one is there.

Mr Runciman: We have had some serious incidents in the past few years related to individuals who have had their warrants loosened or vacated committing serious crimes within the community. There was a recent one this past summer, which you may or may not be familiar with.

Mr Henry: I recall something from the press.

Mr Runciman: I guess I would like to know essentially where you are coming from, your mindset in respect to how you would deal with individuals who have committed very serious crimes.

The two individuals I am talking about have been mentioned in the press, so there is no danger, I think, in respect to naming them. One was a fellow by the name of John Findlayson who murdered a young boy by the name of Deasley a number of years ago in Toronto, a particularly brutal murder, and cut the child up after he had killed him. He went to Penetanguishene, and then he ended up in

Brockville and out in the community and then attacked a woman with a knife a couple of years ago.

The one this summer was a guy by the name of Krueger who was responsible for the deaths of three children in Toronto. He was allowed out into the community with an approved escort, as they call them, who himself had been responsible for a murder.

The people in Brockville and the surrounding area are very concerned about the apparent lack of concern, whether it is the board making the decision initially, or the administration of the hospital, which is responsible, following the decision of the board, in terms of monitoring these individuals when they are out in the community.

I am just curious about your approach to this whole thing, having sat on the bench for so many years. I am particularly concerned about people who have committed or who are responsible for very violent crimes. Probably this is incorrect, but certainly in the minds of many people in my community, there seems to be a rather cavalier approach to the release of these individuals.

One of the things I queried Justice Callaghan about was the question of, if someone has been responsible for a murder, for example, or a rape, a particularly vicious crime, again, you cannot do anything about this, it has to do with the federal legislation. But I believe in those kinds of situations a unanimous vote should be required by the board to vacate a warrant, or at least loosen a warrant. Perhaps vacating is based on the experience of this individual operating on a loosened warrant. To vacate a warrant I think should require a unanimous vote of the board. I am just wondering if you have any views on that sort of thing.

Mr Henry: I do not really, for the very simple reason that I do not think judges should have predetermined views about very many things. I have always approached judging on the basis that I am there to apply the law on a case-by-case basis and hear what the evidence is and then, if I have to charge a jury, charge it accordingly, or make the decision if I am sitting as a judge alone. I am not a proponent of trying to get judges to commit themselves to a particular social philosophy, because all judges are there to apply the law. I really cannot say very much more than that.

On the question you are speaking about, based on what you tell me, I do not blame the residents of your constituency for being nervous about a situation like that. About the best I can say is that it looks as though things went wrong in that particular case. I will say very frankly to the committee that it is just like the parole board in Ottawa, which you would know about. You take a risk when you let anybody who has been in there for a particular purpose out of custody.

The work of the review board here will continue on, as far as I can see, in much the same way after the new amendments, except that the board will have more deciding power to make orders. It will not be a Lieutenant Governor's warrant. But the basic problems are the same; they are not going to go away.

The problem is to dispose of the person who is called a patient at the moment, because in any case he has not been convicted of anything. You take that patient who is in a

hospital—I think he is called the accused, by the way, in the Criminal Code, if anybody has looked that up in the new amendments, because he was an accused. Those words mean something, sir; that is why I am just mentioning them.

At the moment he is a patient, and when he gets moved around, he has to be moved around after there has been a hearing take place by the review board. The purpose of that hearing is to do the best they can to handle his fortunes as a citizen who is unfortunate enough to be mentally ill and who is locked up in custody and to decide what ought to be done with him and how long he has to stay in there, at the same time trying to balance it up against the public interest. That is always the job and there is always a risk, sir. I can tell you that right now.

Mr Runciman: Yes, there is always a risk, but I guess one of the—I do not know if it is a protection built into the system for the review board, unlike yourself sitting in judgement on the bench without a jury; you have to provide written reasons for your decision.

Mr Henry: That is right.

Mr Runciman: This board provides no written justification, no rationale for the decision to loosen or vacate a warrant.

Mr Henry: I understand they do, but maybe that does not get published.

Mr Runciman: It is certainly not available. Maybe it is a secret document not available even through freedom of information.

Mr Henry: It is my understanding that now and in future, under the amendments, reasons will have to be given.

Mr Runciman: I am glad to hear that.

Mr Henry: Anyway, let me say this, sir, that I would give reasons, because I believe in doing that when you have something of that sort. You have not exactly an adversary proceeding here, because you do not always have somebody on the other side. It is the accused who is represented. He is entitled to have a lawyer there in any quasi-judicial proceeding. The Attorney General is not always there, but the panel can always get him in, and I would think—if I could just express this to you about what you were saying about the feeling in your constituency, and it is about all I can say—it might well be an appropriate thing for the Attorney General to bring a witness, or several witnesses, in from the community before the panel. As far as I am concerned, that should be accorded to anybody who has anything to offer to the panel, particularly anybody with a particular interest, like yourself.

Mr Runciman: I am heartened by that response, to be quite honest with you.

Mr Henry: It is not new.

1050

Mr Runciman: It is certainly new in terms of the proceedings of the board up to this point. This is third hand, but certainly when I have inquired with Justice Callaghan, and I know others in the media have inquired with Justice Callaghan in respect to victim rights, the rights of victims'

families, the response has not been heartening like yours was.

In the Krueger case, for example, this individual was taken out of Penetanguishene and put in Brockville, and the family of one of his victims resides in that area. I do not think the board even makes an inquiry. I may be wrong on this. I cannot determine whether this is the case or not, but I do not believe the board, when it is deliberating on these things, poses the question, "Are we going into an area, for example, that may impact on the victim or the victim's family?" I do not think that is ever posed and I think it certainly is something that has to be and should be considered.

Mr Henry: I do not see anything wrong with that, if I might answer your unspoken question. The real question is, how much do you publicize what is going on? Could I ask you, just for clarification, did the man Krueger you speak about commit the offence in your constituency?

Mr Runciman: No, it was a young child who was on vacation in Toronto.

Mr Henry: The reason I ask you is, was there something to alert, a little red flag going up saying, "Look here, this man's going back into the community where he committed the alleged offence"?

Mr Runciman: It may be impossible in some situations to determine whether or not this sort of situation is going to arise. All I am suggesting is that the question should be posed.

Mr Henry: I think it should, no question about that.

Mr Runciman: And some discussion take place.

Mr Henry: Incidentally, I would be grateful for any help. If I get on to this thing, which I have sort of volunteered to do—I was strong-armed, if I could put it that way, gentlemen and madam; I have done it in response to a request. But if I get around to doing this work and find that I am fitting in all right—and I do not see why I would not, because it is judging work, perfectly frankly—I would like to know how we can handle a situation like that, Mr Runciman. I would like to know how you do it, because I believe the overture should be made in a general way.

What I would say is that if there is anybody such as yourself who has something to offer, and I say this only because you are knowledgeable about your constituency, the thing to do would be to go to the Attorney General and say, "I would like to have," and it would go to the chair of the panel. If I got a request from you or one of your constituents, I would simply turn it over to the Attorney General and say, "Look, this person might be a witness; would you look into it?" and then have counsel sent down by the Attorney General to see that the witness gets heard. That is the way I would approach that situation. But I will not tell you now what decision I would make until I got hold of the facts.

Mr Runciman: I appreciate that. In the question of the other young child who was murdered by a fellow by the name of Findlayson, who is now back in Penetanguishene, the mother in that situation contacted me after he attacked a woman in Brockville. Her name is Caroline

Deasley, and she has been very active in trying to have something accomplished in terms of benefiting victims and victims' families. She has made significant efforts to appear before the board and has had a difficult time even being notified of hearing dates.

Again, I think there is little or no consideration given to victims and the families. I think Mrs Deasley or anyone like Mrs Deasley who wishes to appear before the board when a hearing is taking place and wants to make a contribution to the deliberations of the board in respect to a particular individual should be granted that opportunity. I think it should be a right. I think this whole system is significantly weighted in favour of the patient, if you will.

Mr Henry: I think that is right. I think our whole criminal law system is. The Criminal Code is based upon a person not being guilty until he is proved guilty and found guilty by a jury beyond a reasonable doubt, and you and I cannot change that.

Mr Runciman: We can sure try.

Mr Henry: You can try, but I cannot.

Mr Runciman: I want to see more balance brought into the system. The comments you are making I think are going to be helpful, because certainly if we can recognize the rights of victims and their families—and the other element you brought in which I find innovative—it is certainly nothing I considered in the past—is the idea of community input. If the community, through city council or through some agency, what have you, wishes to have input into a particular decision, I think that would be most helpful.

Mr Henry: I would like to just add this caveat: It has to be relevant.

Mr Runciman: Absolutely.

Mr Henry: I would have no difficulty with it as long as you trust me, if I ever get into this, to make a decision with the colleagues on the panel—do not forget about them—as to whether or not we exercise our discretion to let somebody in. There is no point in wasting the time of the operation, which I am sure is expensive enough and has a fairly heavy schedule, I am told. Understand that it becomes a case-by-case decision.

Could I add one thing that might help? Have you heard of a victim impact statement at the time of sentencing?

Mr Runciman: Yes.

Mr Henry: I think I was the first, or possibly one of two about the same date, to hear from the parents of a murdered boy at the time of sentencing two offenders who had committed the particularly brutal murder. I cannot put my finger on the date, but it would be about 10 years ago. The crown approached me and I said, of course, they could do that and I somehow got the defence to agree. Now of course that is built into the Criminal Code. If you ask me what my approach is, I will tell you what I have done in court. I did that and it was the first or second time it was done.

Mr Runciman: I know you do not have direct control over the decision to loosen a warrant to give someone community privileges, but it seems to me it should be a

concern of the board. I think you should be looking down the road a bit when you allow such privileges to an individual; say, Mr Krueger, who was responsible for three particularly violent crimes against children. When you make that decision, it seems to me there is a tremendous weight on your shoulders and a tremendous responsibility to ensure that once he goes out in the community, Brockville in this instance, you minimize as much as you can any possible danger to the community.

In this situation the decision falls under the mandate of the provincial Ministry of Health, which is a policy that has been in place for some time. To allow Mr Krueger to be escorted out into the community by another individual who himself was responsible for a murder and had a vacated Lieutenant Governor's warrant seems to me to be treating community safety in a cavalier way. It seems to me you are already having a risk in the situation where you are letting this guy out. There is an element of risk there and we admit that.

Mr Henry: There is no question about that.

Mr Runciman: But you compound the risk by assigning someone who himself has been responsible for a murder as an approved person to escort that individual into the community. It boggles the mind. The community could not believe it, and was unbelievably upset about it. The Minister of Health could not understand why I got so upset in the House because she still has not done anything on this issue three months after this murder. We are still allowing this policy to stand.

I guess I am saying to you, as a board member, that this is the sort of thing I think you should take into consideration. You should take a look at all the elements and not simply say we think this fellow or gal deserves a chance to become rehabilitated. Let's look at the whole system and the whole process of how they are going to be handled once the warrant is loosened. How are they going to be controlled in the community to ensure and to put a greater emphasis on public safety?

Mr Henry: All right, fair enough. You do not expect me to answer for the Ministry of Health, because if you do, I am not going to do it. It is not my business.

Mr Runciman: You can say, "Look, we are not happy with the system out there and we are not going to loosen the warrant until you tighten up."

Mr Henry: I am not going to say that, certainly not. I am not quite sure whether I get a copy of this discussion.

The Vice-Chair: You can.

Mr Henry: If I do, I will be able to remember what Mr Runciman was saying.

Mr Runciman: That is right.

Mr Henry: But Mr Runciman, you are telling me really that this has now gone over into the hands of the provincial government. Bear in mind that what the Minister of Justice in Ottawa is trying to do, as his press release says, is to bring about a continuing state of co-operation between the federal and the provincial authorities. Once the man goes into the hospital, he is under provincial jurisdiction, because that is not being taken away. But you have

that little box over there and that is provincial as long as he is in the hospital, and he has to abide by the statutes that govern the province. The administrators have to be governed by the statutes that regulate the hospitals, the Mental Health Act and the Mental Hospitals Act.

1100

All I want to say to you is that I am not going to leap out and say I will go and set the hospitals right. I suppose what I might say is that I do not see why the board should not put a condition on loosening the warrant—and we are talking about current language and not when the bill comes in, which was supposed to be through in a couple of days, but I do not know where it is—which is purely discretionary with the Lieutenant Governor. It does have power to make recommendations, but the Lieutenant Governor does not have to follow them. You understand that.

Mr Runciman: It used to be the Lieutenant Governor in Council.

Mr Henry: Well, perhaps; I do not how it worked. All I can tell you is that former Chief Justice Dubin reads these things and makes his decision. I was told about one case where he thought the chair of the panel had not put in some reasons. They got tucked in behind something else; the reasons were there. But Chief Justice Dubin, who was the substitute at that point for the Lieutenant Governor, who was away, looked for the reasons, got them pointed out to him and made his own decision. I think in future that is intended to be remedied so that he does not have that responsibility, because after all, his role as Lieutenant Governor is really to take advice from his advisers.

There is no question about it, and you are absolutely right if you are heading in this direction. I think the board has to do this.

The Vice-Chair: Mr Henry, we have used up a lot of time for the party. We go now to Mr Waters.

Mr Henry: Do not hesitate to stop me.

Mr Waters: Both the Vice-Chair and I share one of the facilities, which I believe is actually in Mr McLean's riding but our communities are neighbouring, and that happens to be Oak Ridge. We have a major concern in our area and that deals with patients' rights, that being that the patients, some in particular, have access to the Freedom of Information and Protection of Privacy Act.

They happened to notice that going to this patient were the actual floor plans and building plans of Oak Ridge. It has cost some of the local townships to the point where they have to put full-time staff on because these people have nothing else to do with their time. They are not mentally handicapped. These people border on genius, a lot of them. They are driving the townships literally mad and into debt because of all of the ridiculous things they are asking for.

There is no need for this and I would like your comments on this type of thing. Should this carry on? Do you feel these people have that type of right, to have the plans to the facility they are in? Where do you draw a line on all of this?

Mr Henry: Again, I am not sure I can answer that question because it seems to me that is outside the purview

of the board and becomes a matter of the administration of the freedom of information act itself, and whether or not he has access to it. I assume he has, or he would not get it.

Mr Waters: Because you will have the opportunity to have some impact on the board and you will be sitting in a position of some authority here, what I am asking for is your feelings more than what the board's feelings are. I would like your feelings so that we have some idea, as you go into this position, where you will come down on some of this. I think that is a fair question.

Mr Henry: Mr Waters, between you and Mr Runciman, you will have me running a royal commission before you know it and that is not what I am here for. I am sorry; I really cannot answer that except to give you the same answer I gave to Mr Runciman. If the board becomes aware of a situation like this it could say, presumably as part of the conditions of the loosening of the warrant or something—and incidentally it is not going to likely loosen the warrant in Penetanguishene—

Mr Runciman: Don't bet on it.

Mr Henry: I was there quite a long time ago as a judge hearing many cases of murder, manslaughter, rape and so forth just to see what the people in there are like, what their living conditions are. As you say, some of them border on genius, there is no question about that. The real question here is, what are we going to do with them as time rolls along? Now we are giving them an annual review, but the point I am getting at is, I think that situation has to come before the board. How does it happen?

It is the same problem I have with Mr Runciman's question: How does it happen that the board gets knowledge that there are some people in the community, such as your constituency, who might like to make a contribution? I think the civil liberties organizations have had access and been granted standing by panels of this body. I only hear that at second hand, but I think it has been done, the same as could happen in a court.

If you can do that, maybe you can go down the line a little bit and say, "Look, here's a man who likes to study the blueprints of his prison. What does he want to do that for?" You see? That may have nothing whatever to do with whether he is sane, which is the question. The question is, is the man sane enough to be sent back to his trial or is he sane enough to be put at liberty in the community? The latter one is the one that causes the rub. I make no bones about it.

To answer your question about that particular little detail, I do not know. If somebody would bring it forward and let us know, and probably the hospital might, we could then cope with it.

Mr Waters: It is not only that. When I look at the waste of public money and the whole waste of time of the communities around as well as government, I have here page after page of documentation of charges that have been brought forward for everything from assault, sexual assault and all kinds of things. In most cases they are dismissed or dropped early on, but it costs the people of this province several hundred thousand dollars while these people play games to occupy their minds.

Mr Henry: Mr Waters, there is no question about it being a costly effort we have here. The last figure I have, and do not rely on it, is about 1% of the budget of the Ministry of the Attorney General which goes into the actual administration of justice here. Anyway, it is a small figure: That may be 1% of the whole budget that goes to the justice department. It is a very small percentage. You can do something about this, I cannot, because this is a provincial matter.

The organization of the courts under the old BNA Act, and continued under the Constitution, is a provincial matter. So the Attorney General is in charge of the organization of the courts, although I think perhaps the Solicitor General carries the ball for it, and the can no doubt, but that is where it resides. When you say that, first of all, that money is a drop in the bucket in terms of the total budget. I am not suggesting it is not a lot of money, but in terms of where the money goes in the budget of a whole government, it is pretty minuscule and we do not even have enough courtrooms.

What should I answer about your question? It certainly costs money and it probably should cost more?

Mr Waters: Okay, I understand your point of view. Thank you.

Mr Wiseman: I would like to return to the question of insanity that you just raised. You are going to deal with a very difficult situation, because an inmate or a client may be insane in one venue but may not appear to be insane in another. For example, an inmate who has as his aggression trigger mechanism, say, women in an isolated incident, in a male prison setting may appear perfectly normal.

Mr Henry: Like in one of the 10, whatever it is, hospitals?

Mr Wiseman: Yes.

Mr Henry: In one, he is in hospital X or A as opposed to being in Y.

Mr Wiseman: How are you going to be able to distinguish in terms of the new legislation whether a person is insane or not? For example, it says there is an automatic review after 45 days. Within 45 days of a person being in a situation where his insanity is not triggered by any of the external stimuli, you may well say that this guy does not appear to be having a problem. Then as soon as he is out on the road and in the streets again and into the stimulus that creates the problem, he has another incident. How is the board and how are you going to be able to deal with that?

1110

Mr Henry: Are you saying that psychiatrists are not going to be ad idem about the state of this man's mind?

Mr Wiseman: What I am asking is, in terms of the changes that Swain has indicated, for most cases indefinite sentences are abolished. Patients will no longer spend more time in detention than they would serve had they received a prison term. The next thing, however, is if the board feels that they should be kept in.

Mr Henry: First of all, for everybody's benefit, I understand you are talking about what is called the capping

idea. You put a cap on the length of time. According to the minister's statement in his press release, there will be a capping provision which will only be brought into effect on proclamation, which means when they get other provinces lined up. Have I got it right? You are talking about that.

The person who is in detention because of his mental health, let's say the man who has actually been found not responsible, as we call it, instead of not guilty by reason of insanity, is now called, in 1991 language, "not responsible by reason of mental disorder." Let's say he is there. He could stay there for ever under a Governor General's warrant. You are not going to send that back to trial, because he has had his trial with a jury and it found him not responsible.

The capping idea, which will not come into force immediately according to the minister's statement in the press release, until all the provinces get pulled on side, is to say that in principle a man ought not to serve a term in Penetanguishene, to use your constituency institution, longer than he would for that particular offence if he had been found guilty as a sane person.

Is that what you are talking about, Mr Wiseman? I just want to know what your question is that you would like me to answer.

Mr Wiseman: The question is, what kind of methodology are you going to use to determine whether a person is insane in public, to make that differentiation?

Mr Henry: Right, and how you make that balance. To me it is a quasi-judicial process, and that panel has to be quasi-judicial. The panel usually has on it, according to my information as to how it operates at the present time, a panel of five, and that will consist of a psychologist, a psychiatrist, a lay person and a lawyer. Then there is an independent consultant who is available to each panel, as I understand it, at present.

That independent consultant has nothing to do with the hospital, because the first information the panel gets comes from the staff of the hospital. The thought is that perhaps the staff of the hospital will be biased in the sense of saying, "Well, our administration is pretty good and our diagnosis is pretty good," and perhaps slant it. The purpose of the independent consultant is to put an objective point of view on the same situation.

The chairperson, as the new language is in the code, who would be any one of us who are alternates, should you decide to put me on this work, simply has to carry out the processes of a small court, a very specialized court.

Naturally, on the question of what is the state of mind of the accused, now or at the time when he allegedly committed the offence, that becomes a matter for medical experts to tell us, and we have to get a psychiatric and psychological opinion about that. There are two of them on the panel. Of course, they are not the people who make that decision in the first instance. A diagnosis comes from presumably somebody on the staff of the institution where he is in captivity.

To come back to the very familiar thing of what happens in court every day when there is some question about

the state of mind of the accused, the judge—in this case the panel of five judges—has to determine what the state of mind of the accused is, or the jury has to. That is done every day. I do not mean it happens every day, but when you get this, it is just standard practice for any criminal judge.

All I can say is this: You go by the evidence, and only by the evidence, which again is part of the general principles of judging. If you ask how we are going to determine what his mental state is, you have to rely on the professionals who give evidence to you as to the state of mind, one of whom is a completely independent man. That happens in court all the time. There is no other way you can do it. You cannot do it on the basis of how it looks to you, I think you would agree, so you must go to the professionals, and it is just a question of weighing the evidence.

The other side of it is—let's put it this way: Under the Criminal Code, if you are in a trial, the question of the mental state of the accused at the time of committing the offence is for the judge. It is a question of law. Does he have a disease of the mind that makes it impossible for him to know the nature and quality of his act—I am using the language of law—and to know that it is wrong? There is a lot of jurisprudence around what that means, but all I need to say to you in general terms is that is something the judge has to cope with. Judges have been coping with this idea from time immemorial.

The Vice-Chair: Objection, your honour. We have one more witness who has some questions, and we have just about run out of time.

Mr Henry: I am glad I ran you out of time. I hope I have answered what you need to know. You say one more?

Ms Carter: Yes. I would like your opinion on something. I am involved with the Ministry of Citizenship, and we have something called the Advocacy Act coming up. There seems to be a clash between, on the one hand, Friends of Schizophrenics—parents come to us and they say, "If my son," or daughter or whoever it is, "is not on his medication, he gets into a terrible state, and he could even turn around and kill his mother and father." If an advocate goes to that person, obviously he is likely to do what that person wants rather than the parent or whoever else.

We also have a group called Psychiatric Survivors, which has a quite different point of view and say they are not very happy about some of the treatment that psychiatric patients receive. They would be against anybody being forced to take medication if he did not wish to do so. Now, you could conceivably have patients who were quite normal if they were under medication, but might become violent if they were not.

There is a principle involved here: Can you force somebody to take medication? Also there is the practical question: If they were, as it were, out on condition that they did take medication, could you be sure of it? Could you just enlarge on that?

Mr Henry: I think I can answer that. I am not too clear about the detail and I do not have the bill, but I think you will find that the court—do not forget the court starts

it all. Do not think this board is doing it all. The board is picking it up where the court leaves off, right?

The point is that under the new arrangement, as I understand it, when sending a man to a psychiatric facility—a hospital, in other words—to see if he is fit to stand trial, the court may order that he be given treatment. That is something new, according to the minister.

I am not quite sure what happens right now. Perhaps Dr. Frankford can tell us something about this. I understand in the last 10 years the development of drug therapy has been extraordinary. I am told—and I only know of it at second or third hand—that persons are coming out to go back to court to stand trial after being under some kind of injectables for only a few days, which has the result of removing the particular mental block they had. That is something new; that is a medical advance.

The answer is yes, a person can be forced to take treatment, and only the medical people can tell us if it has been successful. This is one of the reasons why there have been delays in getting the man back to trial, because he has been fit to stand trial, so pronounced, sent back to the court and the court is not ready for him yet. I think that may have been one of the things that happened in the Swain case we heard about, but do not worry about that. Does that answer your question?

1120

Mr Runciman: On a point of clarification, Mr Chair: As I understand it, under the Human Rights Code, patients have the right to refuse treatment if they are deemed to be competent. One of the conditions of loosening the warrant is that they continue to take their medication. Again, that is a function of the Ministry of Health to ensure that this is being monitored.

Mr McGuinty: Mr Justice Henry, you may not recall, but I have had the pleasure of appearing before you a couple of times, and during those times I could not anticipate ever having you appear before me.

Mr Henry: I think that is a fair exchange.

Mr McGuinty: I want to ask you about the impact you might see the new legislation, Bill C-30, having on the criminal justice system. In particular, I am sure you would recognize that when a defence counsel is discussing the defence of insanity with the accused, a great concern is the nature of the sentence, indefinite in term.

Mr Henry: You mean in court?

Mr McGuinty: In court. There was often a reluctance to advance that in court. Under the new legislation, sentences are no longer indefinite in those cases, as I understand it. I wonder what effect you think that will have on the criminal justice system. What about this question of doing easier time in an institution, a hospital, rather than in the regular provincial or federal institution?

Mr Henry: You mean while they are awaiting trial?

Mr McGuinty: Subsequent, after being sentenced.

Mr Henry: After the case has been disposed of by the court?

Mr McGuinty: Yes.

Mr Henry: On your first question, I did not quite understand about what we now call the defence of insanity under section 16.

Mr McGuinty: Do you think there will be more people pleading insanity, and how will that affect the criminal justice system?

Mr Henry: I think that depends upon the board. Bear in mind there are several boards, because we have to sit—I am sorry, I should not say “we,” because I can assure you I am not assuming I am going to be on this.

The Vice-Chair: You can.

Mr Henry: I never assume I am going to be in any governor-in-council position until I see the order in council in my hand. I hope you understand that. I do not know where I am going on this. Maybe I will be doing photography, which is what I probably should be doing.

Mr McGuinty, coming back then, I do not think I can answer that question, because that is a very difficult decision, as you know, for defence counsel to make. After all, your man can be locked up under the present system for life, theoretically, if it were not for this annual review.

Two things occur to me, and I really cannot tell you how they will work out, but I will take a stab at what I think might happen. I think counsel might be prepared, in effect, to plead not guilty by reason of insanity. Let him go to the new language: “not responsible for reasons of mental health.” It is a nice-sounding phrase, a little hard to get your tongue around, but the idea is to humanize it a bit more, I gather.

I would have thought perhaps there might be more of a ray of hope in the mind of defence counsel in deciding how to handle his case in court to know that also there will be this cap on it. There will be an annual review at which he could be present with his client or his substitute or successor, and then when this cap arrangement goes into force—it will not go into force until it is later proclaimed—to say that, if this is what the minister really means and what the act ends up by saying, the man really ought not to be allowed to stay in Penetang or somewhere any longer than if he had been sentenced for first degree murder, second degree murder, whatever, as a sane person.

So you have two things there. There is a mandatory review by the board every year. It is shorter at the beginning, as you know; 45 days at the beginning after the court has made a disposition, or if the court has not made a disposition, the board does it and the Lieutenant Governor is out. The point, of course, is that defence counsel knows he can get before the board, if the board has to make the decision, because the accused is automatically allowed counsel. The second one is the cap I have told you about; if and when it comes in, I do not know.

Mr McGuinty: I guess I am more concerned with the public perception. It may be that at some time, people begin to feel that more accused are going the insanity route in order to serve easier time.

Mr Henry: That may be. I do not know what the public perception is, except that if I were a member of public—

The Vice-Chair: Which you are now.

Mr Henry: Which I am now, yes. I always was. How can I put that? I will not nibble at that one. Yes, I am released from the rat race. I would have a great deal of apprehension about what is going on in society, as a member of the public who cannot do anything more than try to find somebody to help.

There are a lot of things going on, and some questions that were put to the young lady a little earlier about the police force and so forth indicate what the concern is. I know what it is. In fact, I was involved with a case called Jane Doe, involving a lady who was raped by a man who was out on the street and the police force had let him roam around without telling anybody. I don't know if you know how that one came out, but I wrote the judgement on that one, letting it go forward so that she could sue the police force. I will not tell you more about that one, except there is something I did. So you see that, judicially, I have a point of view in that particular case. I was asked to stop it, so that the police would not be the subject of a lawsuit. That case, incidentally, is now ongoing, I am told, but nobody ever really tells me; it is just scuttlebutt.

The point I am getting at is, there is an example of fear in the community, and our press seems to tell us every day, including this morning, about further cases. How you cope with that, I do not know, until you change society. There are a great many communication gaps in our society, and I for one am completely powerless to do anything about it. But I think you are not, because you are legislators and this is where you should come in, because many of the things you are talking about are matters for the lawmakers—either Parliament in Ottawa or the legislatures in the provinces.

The courts cannot do these things, and I am particularly nervous about courts suddenly arrogating to themselves the power to set policy. I do not think that is right. I do not think that is judges' work. We have not been elected. I have always thought that and most of my colleagues think that, at our level anyway. I hope you do not think a board like this can do very much more than, say, a judge could. But do not forget that the Legislature has to do it, and you can do this, because half of what you are talking about is within provincial jurisdiction.

Mr McGuinty: Mr Justice Henry, just if I might interrupt you there, you have touched on something I think we all feel quite regularly as political representatives. The criminal justice system today is under assault, and there is a great loss of faith on the part of many of our constituents in the system. It fails to do the job it is supposed to do.

I am going to throw the ball back to you and ask you, what do you think the board could do in order to narrow that gap of understanding that people have as to what the board is doing? In particular, people have a basic difficulty with the concept of somebody not being convicted even though he did it. What role can the board play? You may not have that authority right now, but if you tell us, then we can work towards it.

Mr Henry: I would rather try to answer that question a year from now, when I find out how the system works, because quite frankly I do not know how it works and how

I could make it do anything different from the present. Therefore I am going to leave you, I am afraid, without an answer. But let me tell you why. At the moment, if I become an alternate chair, I would simply be carrying on my judicial duties, and I would approach the whole thing in the same way as I would approach the Supreme Court of Ontario and the new Ontario Court of Justice over the last 18½ years.

My approach would be a judicial one, and I would not be trying to make policy in the first instance. If there is room to do what you say, I would like to have a chance to consider it. Maybe you would say that perhaps the board could, when it gives its reasons, allow them to be published. I am not quite sure whether that is permitted now or not, but that is about all a judge can do. He could get out his reasons for what he did. That is a thing to preserve: the idea that the judge, even on this board, issues reasons. You know all about that, because it might allow you to appeal. Incidentally, there will be an appeal, as you know, under the forthcoming legislation, from the decisions of the board as well as from the court's decisions, so the reasons will be even more important than now.

1130

As far as I know, the reasons are not issued to the public. I am not quite sure why they should not be, unless they have information about the accused which is confidential information about his medical situation. You would understand about that. The point is, I am not too sure we can breach that at the moment, because even the accused under the legislation has the right to say, "No, I don't want this information put to any member of the public except a party," or not even to a party in some circumstances. In other words, he has the right to withhold some evidence—I believe, but I am not absolutely sure—from the board, but the board would have to perhaps get other parties out of the room in order to get that. Do you get my point on that?

Mr McGuinty: Yes. I am going to push you a little bit here now and I am wondering if you would undertake to provide the Legislature, on or shortly after the anniversary date of your appointment to the board, specific recommendations for the improvement of the activities of the board.

Mr Henry: May I ask a question? I do not think I should ask this question because this board has come under the aegis of this committee, I think, only since the summer. Am I right about that? Some time in June this board was added to your—

Mr Grandmaitre: Yes.

Mr Henry: It was just something I read that came from the clerk.

I will not give an undertaking. I will listen to what you say and find out if there is anything that I can usefully say and am at liberty to say. But subject to that, I do not mind appearing, I enjoy it, and if I had something to contribute, subject to my quasi-judicial duties, I would be only too happy to do it. But I have a main chairman of the board, or chairperson, as the language in the act now is, Mr Justice Callon. I think there are disadvantages to being a new

broom, if I can put that way, and I do not see myself as a new broom.

I hear what you are saying, Mr McGuinty, and I would be very glad to look at it in a year.

Mr McGuinty: All right. I appreciate that.

The Vice-Chair: Mr Frankford, do you want some information?

Mr Frankford: This is either to you or to the researcher: Do you put out an annual report, or will you?

Mr Henry: I do not know. I imagine the office of the board may. I am sorry, I just do not know.

The Vice-Chair: Thank you, Mr Henry, for appearing before the committee this morning. We wish you well in your duties.

Mr Henry: Thank you. I may say I have enjoyed it, gentlemen. If I come back next year, I hope we will all be a little wiser.

NEVILLE C. CHENOY

The Chair: Our next witness is Neville Chenoy. Welcome to the committee. This is a half-hour review. Mr Chenoy is an intended appointee to the Child and Family Services Review Board. Mr Chenoy was selected for review by the government party. We will begin the questions with Mr Wiseman.

Mr Wiseman: Do you have any opening comments you would like to make before we start?

Mr Chenoy: No. I will answer some questions.

Mr Wiseman: Do I understand correctly that the review board would be responsible for reviewing the activities and actions of children's aid societies in Ontario?

Mr Chenoy: No. As far as I know, that is not quite what the review board is intended for. It is to look at appeals and issues that people who have been placed in homes and foster homes, etc, may have to make in terms of either a change of placement or some issue related to the placements themselves.

Mr Wiseman: Would the board be responsible for reviewing the activity surrounding the seizure of children from their parents and being placed in the custody of the children's aid society?

Mr Chenoy: I believe that if children make an appeal, then that would be part of the work that would be undertaken.

Mr Wiseman: Would children under the age of 12 have the same rights of appeal to the board as children over the age of 12?

Mr Chenoy: I am sorry, I do not have all those answers for you, essentially because the agency is developing a program to undertake to help new members. That whole program is going to be initiated some time in November.

Mr Wiseman: Would the board be responsible for reviewing the activities of the police if children under the age of 12 were seized from their parents? Would that be something that could be appealed to your board?

Mr Chenoy: That is something I hope I am going to find out when we go through this process. I am sorry, I do not have all that kind of detail in relation to the work and activity of this particular agency. When I applied for consideration for the Child and Family Services Review Board, it was from the basis of a citizen interested in moving on into new areas of community work. My area essentially had been in health care and in United Way activities. I was more interested to move in to the broader area of social work in terms of community service and that is why I put my application in. I am afraid I do not really have all of the technical answers to the questions you are posing.

Mr Wiseman: All right, I will turn it over to my colleagues.

Mr Frankford: One of the areas of responsibility is that licensed day cares can appeal when their licence is revoked, varied or suspended by the ministry. Do you have any knowledge of how that works out in practice?

Mr Chenoy: No, I am sorry, I do not. Again, as I said, I have not met with anybody in the Child and Family Services Review Board as yet. The staff have only contacted me once. We are due to go into our introductory initiation processes in November, so at the end of that time I hope that answers to the kind of questions you are asking will be available to me.

Mr Frankford: Would you see that—and this might not be a fair question—as requiring you to develop a position on the broad provision of day care, or is this just to do with various judgements on very specific cases?

Mr Chenoy: As far as I know it is judgements on specific cases, yes. As far as I know the Child and Family Services Review Board does not move in to areas of policy itself.

Mr Frankford: So presumably one could really make a case that universal provision of day care is becoming almost a social necessity, or it should even be a right.

Mr Chenoy: I guess one may debate that in terms of how it is to be done, but I do not think that is the charge in the Child and Family Services Review Board.

Mr Waters: When I was reading the background on this, they talked about foster parents and the lack thereof in the province at the present time. It goes as far as to say that in some parts of the province the decline in the number of available homes has compelled local children's aid societies to consider placing children in hotel rooms because there are not enough foster parents to care for them. I would like you to comment on that because I find it rather distressing that we have come to that.

1140

Mr Chenoy: Yes, it certainly is distressing in the context of what we are doing. If I may make a comment about a general perspective on that, since I do not have any specifics to address that, it seems to me that very often the way we allocate resources—and that is from my own perspective—in health care, or in this new field I am getting interested in, social services, is not really done in the most effective manner in the context of priorities.

Certainly we do not seem to be able to identify priorities, and if we do, we do not seem to be able to allocate resources towards them. I think that is true, both in the area of my particular expertise, health care, as well as in social services, as I get more and more into it. The very notion that we are going to be putting children now into hotels and other places because we do not have adequate foster homes suggests that is another one of these examples where our method, our approach, our philosophy, values and everything all wrapped up in the way we use our public moneys, are perhaps the issue more than anything else.

Mr Waters: Along the same lines—and it does not refer to this particular thing here—is that when I talk to people involved in foster homes in my area, one of the reasons a lot of them are getting out of it is that when you deal with especially the teenage children, you have a situation where you either let them do as they please or they will get even with you. They can accuse you of everything from sexual assault to some other abuse and your name gets dragged through the courts in small-town Ontario and you are labelled even when you are innocent. I know it may not be fully within your mandate, but I would like your personal opinion on how we resolve that type of issue, because although it is not mentioned here, it is the reality of life out there and a major part of the problem.

Mr Chenoy: It certainly is much wider than any one particular family or issue that you raised. The problem to a large extent, I suspect, falls more in the area of how families and the communities themselves decide on dealing with children, right from the time they are born. The classic example, I suppose, is the amount of money we spend on day care.

Again, one has to question the values we bring to the way we use our resources, allocate our services, etc. If, from day one, children are given less than they need, then I suspect we are going to have to live with the outcomes of that. The case you mentioned is an outcome of our inability, perhaps, to identify key issues, and of our need to look at and deal with what affects us as a community, as a province, as a nation. We do not do that very often.

Mr Waters: How is our time?

The Chair: You have a minute and a half.

Mr Waters: I will let someone else, then.

Mr Marchese: How does the children's aid society respond to the cultural differences of people in terms of how they raise their children? Is there an awareness that the predominant view in this society about how all of that should happen may not be responding very well to the way other cultural groups perceive how they raise their children, so that inevitably there is a conflict? Is there this growing sense that we have to address this? Do you think people are addressing it? What is your position around that?

Mr Chenoy: It is not so much a position, I think, as a feeling of what is happening out there. I suggest that children's aid societies have historically been established and governed by people who constituted at that time the majority in the community.

Clearly Ontario, and particularly Toronto, has become much more multicultural, and the children's aid societies have perhaps not kept up to date as well as they might have in the context of looking at the needs of children who come from various ethnic communities and how those needs differ, depending on the way children are brought up, the way children are perceived in those communities, and what their expectations are. The children's aid societies have not really, up till quite recently, paid much attention to those issues.

Mr Marchese: I am presuming that you would encourage professional development and training for all the workers on these issues of cultural differences?

Mr Chenoy: Yes, coming from a multicultural community myself, the answer to that is very much so. In fact, that is one of the things that currently is being undertaken in the health care field.

Mr McGuinty: I have a couple of questions. Back to this issue of the dilemma the province faces right now in getting more people to consider acting as foster parents, one of the problems that has been cited is that we are only paying people \$23 a day to take in a child. What are your feelings about that? Do you think we should be increasing the per diem? Some people argue, on the other hand, "If people are doing it for the money, then maybe those are not the kind of people we would want to act as foster parents."

Mr Chenoy: Whether \$23 is the right amount or whether it is \$30, I think some small increase may or may not be relevant. Much more important is that I sense the public do not have a great deal of awareness of the whole issue in terms of what it is they could contribute by way of their particular abilities. There is very little that is communicated to the public at large in terms of what might be expected of them as prospective foster parents, so I would suggest that if you want to increase the number of foster parents in Ontario, rather than looking at strictly the dollar issue, you might want to examine how and in what manner this kind of information gets out to the public at large and how they can respond to and act on it.

To give you an example, my own application for this board only arose because I got to know about it, and I got to know about it because it was published in the newspapers. Then there is the book that is now available on the various agencies and boards and what they do and how you might apply, etc. I doubt whether that kind of information is available for foster parents. If you want more people to become foster parents, give them the information.

Mr McGuinty: A couple of other problems that act as an impediment to people taking on foster children are the fact that there are fewer women at home during the day, and in addition, there is this greater awareness of sexual abuse of children and molestation. Some people are concerned—in fact constituents approached me about this—about taking in children because of this apprehension. Some people are even afraid to talk to children on the street now because someone might misconstrue something that is friendly. Something that you could do, apparently,

in the old days, you can no longer do today. What can you tell me about that?

1150

Mr Chenoy: I do not know whether it is a question of "no longer can do today." Certainly there is a growing concern about the problems that you raise in terms of children and molestations, etc. By the same token, I suspect that there is continued interest and desire on the part of people to participate in the work of the community, and taking in children is one of those kinds of activities. There has not been, from my perspective in working with the United Way and all these other agencies and organizations, a diminution of interest on the part of the public to participate and give of their time, energy and skills in voluntary work.

What might be needed is some kind of mechanism by which people who want to become foster parents are more clearly identified. They can come up themselves; they can be identified by other sources; they can be educated and informed. I see a great need as well as a desire on the part of people to serve, and I suspect that is partly because it produces that total fulfilment of themselves which increasingly they are not finding in their work situations. That, perhaps, might be some avenue that should be explored further: How it is that you are going to be able to get people who are committed to community work to become more interested in the whole area of child care?

The Chair: Mr Chenoy, that completes your appearance before the committee. Thank you for taking time out of your schedule to be here today. We wish you well.

Mr Chenoy: Thank you.

The Chair: The next matter on our agenda is the determination of whether or not the committee concurs on the intended appointments reviewed today. I will continue to remind you at every meeting that if one member requests a delay in voting on concurrence, then that is automatically granted under the standing orders. I do have a request from Mr Grandmaître that the delay occur, so the votes will take place at our next meeting.

Mr Grandmaître: Mr Chairman, I want to be very open about this. The lady in question was Ms Laffrenier.

The Chair: That is a police services board appointment.

Mr Grandmaître: Yes, it is the intended member for the Hamilton-Wentworth Region Police Services Board. I find, Mr Chairman, that this lady is a very able and capable person but does not really fit what the police services board is expecting. Maybe she was nervous, but I must say I doubt that Ms Laffrenier could do the police services board any service. That is why I had asked you to delay.

The Chair: Would you simply like to just delay that one vote, which we can do, and proceed with the others?

Mr Grandmaître: I would like to delay just the one vote.

The Chair: All right.

Mr Grandmaître: I want to phone Hamilton-Wentworth. I know people out there and I want to make sure that—

The Chair: You do not have to explain your rationale. If any member makes a request under the standing orders, it is automatically granted.

Mr Grandmaitre: If I am holding my vote just on the one person, it indicates that, yes, I would like to have more time to consider her appointment.

The Chair: Understood. That means, unless we have any objections to the other two—

Mr Wiseman: Mr Chairman, we have an objection. We would like to defer all the votes until next week.

The Chair: All right, fine. It will be done.

MEMBERS' SERVICES

The Chair: The next matter on our agenda is the discussion of committee resources. Attached to the agenda is a draft letter prepared by Dr Frankford. As you recall, in our discussion last week when this matter was raised it was suggested that a draft letter be prepared for submission to the standing committee on the Legislative Assembly. Dr Frankford has prepared that letter. I think it is well done and outlines his concerns.

Mr Marchese: It is a good letter.

The Chair: I think it is a good letter. We will open it to discussion. If there is no problem with this letter, we will have it prepared and it will be sent out, over my signature, to the Chairman as soon as possible.

Mr Waters: Could you teach me how to run one of those little devils so that I will be able to access everything? It is somewhat ridiculous. I look at today's paper. It gets a bit beyond the way it is, so anything that will alleviate it, yes.

The Chair: I am not sure that will alleviate it because I think, just as my own personal observation, it is helpful to have that in front of us here today. Otherwise you are going to have to have a terminal in front of you as you sit here.

Mr Waters: That way maybe we can look at things on the terminal and Mr Arnott or Mr Pond can give us one copy instead of sending them to our offices and the House and trying to get us to read our information.

The Chair: That is something that is being looked at as well by the clerks in respect to the duplication of this kind of information. Often it is in the House and so on.

Mr Waters: In their defence, I think what they are trying to do is make sure we actually get the information. I know it is difficult tracking us down, so you hit two or three places. It does create a lot of paper.

The Chair: Absolutely. Any other questions or concerns about the letter as drafted by Mr Frankford? We will proceed with the letter.

That completes the regular business of the committee. We are going to have a subcommittee meeting following this.

ATTENDANCE OF APPOINTEES

Mr McGuinty: I had a concern with respect to a memorandum issued by the committee clerk to all members of the committee.

The Chair: Yes, I am glad you raised that. I did want to discuss this.

Mr McGuinty: First, I was wondering if we could have the specific reasons the witness is unable to appear before the committee.

Second, in a larger perspective, the committee is now presented with a problem which it may not have foreseen in the past. As I understand it, unless all members are prepared to consent unanimously to an extension of the time within which we are normally allowed to receive testimony here from the witness, we are going to be prevented from fulfilling our function of reviewing an intended appointment. We have a bit of a problem here.

If I could be a devil's advocate, I do not know Mr Brown from a hole in the ground. He is probably a fine, upstanding gentleman. But if I had to appear before this committee and did not wish to do so, and it was my understanding that the standing orders said that if the committee did not interview me within 30 days subsequent to my whatever it is I would be appointed automatically, then I could avoid that review. That is a problem.

The Chair: Those are valid points.

Mr Waters: I was somewhat distressed when I saw this. It is the first time I have seen anybody refuse to come before the committee. It is something new that we have to deal with. Maybe we need some discussion on it.

The Chair: Perhaps the clerk can elaborate on the specific reasons Mr Brown said he could not be here and outline some options for us, if there are any.

Clerk of the Committee: I do not believe Mr Brown was refusing to attend the committee. I believe he was indicating he was unable to attend on the two dates the committee had given as alternatives for scheduling this particular group of witnesses. I understand he was unable to attend today because of business commitments that he absolutely could not get out of and he cannot attend next week because of a death in the family and a requirement that he be out of the country to attend to wrapping up estate matters. I may be wrong, but I believe he may have been available to attend during the week of November 11, which of course is not an option as the House and committees are not sitting.

The Chair: What about options for the committee? I suppose if the committee wishes to not endorse this individual based on his inability to appear, that is one option.

Mr Wiseman: I think we should extend the 30 days and have this gentleman appear at the earliest possible committee hearing.

The Chair: Any problem with that? Do we have unanimous consent for that?

Agreed to.

Mr McGuinty: At some point we should give some thought to incorporating this kind of possibility into the standing order so that it considers the possibility of this arising. It should be addressed in the standing order itself so that we do not have to get unanimous consent and it

will provide for an exception to extend the 30-day period in these kinds of circumstances.

The Chair: I hear you. One of the things I talked about in an earlier meeting was the whole question of devoting a meeting, perhaps during the break period, to review what has occurred in the past year with the operations of the committee and the standing order. We could have Carol Phillips from the Premier's office here and do

those kinds of things. We could do it through a report to the House or even simply through a letter to the Premier, the government House leader and the opposition House leaders respecting specific changes, additions or amendments to the standing order.

The meeting is adjourned. I ask the subcommittee members to stick around.

The committee adjourned at 1201.

CONTENTS

Wednesday 30 October 1991

| | |
|---------------------------------|-------|
| Appointments review | A-657 |
| Sharon Laffrenier | A-657 |
| David Howard Woodhouse Henry | A-659 |
| Neville C. Chenoy | A-667 |
| Members' services | A-670 |
| Attendance of appointees | A-670 |

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Subcommittee report

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Première session, 35^e législature

Journal des débats (Hansard)

Le mercredi 6 novembre 1991

Comité permanent des organismes gouvernementaux

Révision des nominations

Rapport de sous-comité



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Table of Contents

Table of Contents for proceedings reported in this issue appears at the back, together with a list of committee members and other members taking part.

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Table des matières

La table des matières des séances rapportées dans ce numéro se trouve à l'arrière de ce fascicule, ainsi qu'une liste des membres du comité et des autres députés ayant participé.

Il existe un index cumulatif des numéros précédents. Les renseignements qu'il contient sont à votre disposition par téléphone auprès des employés de l'index du Journal des débats au (416) 325-7400.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 6 November 1991

The committee met at 1009 in room 228.

APPOINTMENTS REVIEW

Resuming consideration of intended appointments.

WAYNE COLBRAN

The Chair: We will come to order. I see a quorum. I welcome our first witness this morning, Wayne Colbran. Mr Colbran, welcome to the committee. Mr Colbran is an intended appointee of the Woodstock Police Services Board. He was selected for review by the official opposition.

This is just a half-hour review, so I think, Mr Colbran, if you do not have any strenuous objections we are going to get right into the questioning, 10 minutes for each caucus. We do not have a Conservative representative here, so we will begin with Mr Grandmaître.

Mr Grandmaître: Mr Colbran, I was going through your CV. Are you retired at the present time?

Mr Colbran: No.

Mr Grandmaître: Are you working?

Mr Colbran: Yes. Actually, I just found a job. I just went back to work on September 30. I had been laid off for nine months.

Mr Grandmaître: You have been very active in your community. Have you worked with the Woodstock police force in the past on certain programs?

Mr Colbran: No specific programs with the police force. I have worked on different committees with members of the police force—community committees, the United Way. We have a community complex they are building now and a number of police officers have been on that board with them, including the chief. I have sat on two or three different boards with the chief.

Mr Grandmaître: How would you describe your police force? Is it adequate? Where could it improve its services?

Mr Colbran: I would say our police force is more than adequate. They are very community-minded people. We seem to have a good relationship with our police force in Woodstock. I am not sure whether I am qualified at the moment to say where I could improve it or what improvements I could see. I guess I envision that as the kind of thing I could learn, being on the board. In every community, especially in these times, there is always room for improvement, more along the lines of education from and to the police force as far as the community itself is concerned.

Mr Grandmaître: The composition of the police force, male as compared to female uniformed officers or employees of the police commission, do you think it is adequate? Do you think it can be improved? Do you think we should have more women on the force?

Mr Colbran: Again, I think there can be improvements. I have noticed within the Woodstock force in the

past few years there has been movement in that area. What I look at in a police force is that its members should reflect the community itself.

Mr Grandmaître: How were you approached to submit your application? How did you find out?

Mr Colbran: Through the ad in the paper. I saw the ad in the paper, and because I have been active in my community in the last 12 years on different boards and stuff, I applied for that. Also, six or seven months ago I was approached by the mayor of the city and the police chief. They asked me at that time, if and when it came up, if I would be interested. I had a few months to think about it, and when the ad came up, I decided to apply for it.

Mr Grandmaître: Do you know how many people applied for the same—I am not going to call it a job.

Mr Colbran: I have no idea how many. I only know of one other person. I understand she applied and got the appointment or she is at the same stage as I am. That happens to be Marilyn Mann, the executive director of the United Way. Because we have worked closely together with the United Way for the last 10 years—it just came up in conversation a month or so ago—she had heard that I had been applying too. Other than that, I do not have any idea how many more people have applied.

Mr Grandmaître: One last question to you, Mr Chair: Is it possible for us to obtain—not because Mr Colbran is before us this morning—the number of applications, the number of people who have applied, not only for police service boards but any orders in council? Would it be possible as part of our notes?

The Chair: I think as a committee, if we have unanimous consent for that sort of thing, we can certainly make the request. I stand to be corrected, but I think the appointments secretariat would be under no obligation to provide it, but we can certainly make the request if members think it would be helpful in the future.

Mr Grandmaître: I think that would be a good start if we are going to look into the process once more, or whenever.

The Chair: You are making that a formal request. I am not seeing any objections to that so we will communicate that to the appointments secretariat.

Mr Frankford: Is crime an issue in the local elections in your area?

Mr Colbran: No, actually. From what I can see through the local media and everything the major issues in our municipal elections are taxes and the environment.

Mr Frankford: Do you have any particular concerns about crime or any particular types of crime?

Mr Colbran: Not particularly, no. I have never really sat down and prioritized any of them. I guess domestic

abuse, if I really sat down and thought about it, might come to the top of my head.

Mr Frankford: So crimes of violence and robberies and so on are not major concerns in your area, or not major problems, that you can see.

Mr Colbran: They are not major problems at the moment, but so much has changed in the last couple of years. In the last year or so they have started to surface a lot more than was ever noted before.

Mr Frankford: Do you have any thoughts on whether the existing police are suitably trained or adequately trained?

Mr Colbran: I have really had no preconceived thoughts about that. I believe, through some conversations with the local police force, there is always room for more in there in the training for the police and the education for the police force as to how to handle it properly, and the other way around, the confidence of the community not to be afraid to approach the police and to know that those officers have been properly trained in how to handle it.

Mr Frankford: Do you have any thoughts about whether that should be something which is part of the police officers' routine work or whether there should be some other social workers or other response team that goes in to relieve the police of handling those rather heavy cases?

Mr Colbran: I have never really put a great deal of thought into that.

Mr Wiseman: I would like to talk a little bit about the youth in your area. Have you seen any or do you perceive any potential problems for youth and youth gangs developing?

Mr Colbran: Not youth gangs. Again, I guess I would have to stress the economic situation that has changed so much in the last two years. I guess my county and my city have been just as hard hit, but when you live in that community it has been particularly hard hit with job loss and things like that in the last two years. I have noticed there is an increase in youths leaving home and receiving welfare—no particular gang involvement or anything like that, but there are some problems that way. I think that is something that is new and the police force at the time is having a hard time keeping up with that kind of thing because it is something new that we have not had a real major concern about in the past.

Mr Wiseman: Are you aware of any programs that the police are doing in local schools, and if there are not any, would that be an area you would be interested in pursuing?

Mr Colbran: Yes to both. This is something I was always impressed with with the Woodstock police force even a few years ago when I was in school. The police force in the Woodstock community always had a police officer who was assigned to the school board. I guess back then it was more particularly on road safety and bicycle safety and all that, but they have kept up with the times and have included drug abuse and different things like that. Again, because these things change so rapidly, the only thing I could say that could be improved on is continued upgrading on the education for

that. The Woodstock force prides itself in making sure there is an officer assigned to the schools.

Mr Wiseman: My last question. Idle hands tend to create problems, and one of the big problems in my community is that there is very little for the youth between the ages of 12 and 18 to do. There seems to be an awful lot of things to do for youth here under the age of 12. There is skating and dancing and all sorts of different things, but once they get about 12, 13 or 14, there seems to be very little to do. I notice from your curriculum vitae that you still like to play hockey and lob ball and have coached in softball and so on. In your community, do you see the police services board as perhaps trying to take some kind of lead role in promoting activities for youth between the ages of 14 and 18?

1020

Mr Colbran: It is something I never really considered as part of the police board, but it is an interesting idea. I think part of the board's responsibility would be community relations and what they can do to improve the relations, as I said before, both ways. I can see them looking into something like that.

Mr Marchese: I have just one question, Mr Colbran. On the issue of making police forces more representative of our diverse communities so that it should include aboriginal people, visible minorities, other linguistic groups, women and so on, for me that is important. Is that important to you, something you would promote that needs to happen?

Mr Colbran: Yes, I think so. The police board or any community board that we have should reflect the community. I think that helps the minority groups or the community itself feel more relaxed and more trust in the board, and I think it helps the officers themselves—if you are talking about the police force—to be more understanding of those groups and the way they think. It would be easier to establish a good working relationship with them.

Mr Marchese: So you agree with the idea of goals and timetables for the recruitment of different people on the police force?

Mr Colbran: Yes, I think so, as long as that is reflected within the community itself. You would have to take an overall view of the community to make it reflective, but it should be something that is set down, through the board and the police chief, to make a realistic effort to accomplish that.

The Chair: Thank you. Mr Colbran, I have one question. Does Woodstock have an auxiliary police force that you are aware of?

Mr Colbran: Yes. Actually, it is in its infancy stage right now. I believe it is no more than two years old.

The Chair: And they are purely volunteers, as you understand it.

Mr Colbran: Yes.

The Chair: I am glad to hear that. I would like to see that spread right across the province.

Thank you very much for appearing here today. We appreciate your coming down and wish you well.

Mr Colbran: Thank you.

PERRY KENDALL

The Chair: Our next witness is Dr Perry Kendall, who is an intended appointee as a member of the Metropolitan Toronto District Health Council. Dr Kendall was selected for review by the government party. Welcome to the committee, Dr Kendall. I am going to look to the government party to lead off the questions. Mr Marchese?

Mr Marchese: Dr Kendall, the first question to ask you is why do you want to do this?

Dr Kendall: I first put my name forward in 1989 when I arrived in the city as the medical officer of health. It is my opinion that if one is to look at achieving health for all and increasing the health of the local community, which is the function or the mandate of the public health department on a community basis, it is really important to do that in a comprehensive planning setting.

We recognize that access to health care is a primary prerequisite for health, but it is not a necessary or sufficient prerequisite for health, and I think with the pressures on the health care system that have been building over the last few years, and in the context of reports that have been written on health for a variety of governments in Ontario and across Canada, one has to start looking at comprehensive planning, reallocation, questioning where we are going, and in view of the economic constraints on the health care delivery system at the moment, I think that is more critical than ever. The district health council is the only body truly mandated to do that from the comprehensive perspective.

Mr Marchese: There are probably a number of problems related not just to communication with the ministry and the district health council, but possibly other ways in which the different bodies perceive the work to be happening. What do you perceive some of those problems are and what suggestions do you have to improve the levels of communication and response to the different needs of health in Ontario?

Dr Kendall: Perhaps if I could concentrate on Metropolitan Toronto, I think at the Metro level the task is daunting but not overwhelming, just from the absolute richness and complexity of the resource base there and the fact that historically those resources have developed independently from one another and not at all tied in with each other. There has been no necessity for sharing resources for comprehensive planning; that is a relatively late addition. As one has teaching hospitals which serve North America, and in fact sometimes they serve outside the nation, they have provided fourth-level services for the entire province in terms of teaching and research. We have community-based hospitals, community health centres, public health units, of which there are six, some 3,500 social service agencies, social planning at the metropolitan level, home nursing care delivered at the metropolitan level—it is a very rich and complex mix. Just communicating within those players has been difficult.

I think in the past, the district health councils have been limited more to planning and advising at the margin of expenditures in that the people have had direct access to the Ministry of Health over the 20-year history of the district

health councils. It is going to become much more critical now to look at regionalization, at single voices; to not listen to end runs, and try to plan comprehensively within the sense of the vision that the last three governments, basically, have enunciated since planning for health care in the 1980s, and which followed the Lalonde report of the early 1970s.

I do not know if that has answered it. Can I specify the mechanisms for communication?

Mr Marchese: If you have suggestions, yes.

Dr Kendall: If the mandate for the district health council is clearly to be the comprehensive voice to take a responsibility in planning and advice, and if the advice is listened to and responded to, then that will strengthen the message.

Mr Marchese: Let me ask a specific question connected to the Toronto Hospital. They made an announcement just last week about laying off people and closing beds. Part of the requirement which I understand should take place is that the district health council be part of that decision-making process. I believe the district health council was not advised about it at all, or even consulted about those plans. Do you have a view on that?

Dr Kendall: Yes, I do. I think that historically, as I said, the larger institutions have acted very independently and have not seen the necessity, the need, or even the legitimacy for a larger area to plan. It is still, perhaps, touch and go as to whether they can be pushed to see that reality and that legitimacy.

When I was asked to review the impact of closure of beds at the Toronto East General Hospital, my recommendation was that obviously hospitals were reacting independently on an ad hoc basis. The experts I talked to in the paediatric field from the Hospital for Sick Children recognized that as well, and they also recognized that the 1986 report of the Metropolitan Toronto District Health Council on rationalizing paediatric services within Metro have basically been largely ignored by the major players. One of my recommendations was that the hospital council for Metro and the Metropolitan Toronto District Health Council be mandated by the ministry to look at rationalizing the situation and the pressures around hospitals and look at bed closures and the provision of alternate services. That, I think, is now beginning to happen, but one is going to have to force the major players into that.

1030

Mr Frankford: As you know, I come from a background in direct provision of health care within Metro. I guess a large part of what is provided by physicians hardly comes into the equation right now. I believe you would agree, and do you see any ways of improving that?

Dr Kendall: I guess the majority of physicians are independent entrepreneurs within the health care system, billing on a fee-for-service basis. I do not see that as the optimal route to go. I think the method of encouraging alternative patterns of practice through community health centres with complementary health personnel can provide both a better range of services within a global budget and also reduce the dependency on physicians.

I happen to be in that group that thinks we have too many physicians, for a start, and I happen to think many of their services are demand-driven to meet target incomes rather than related to the health of the population in which they happen to be residing.

I do not think one could mandate all fees for service into either salary, per capita or community health centres, but I think incentives have to be developed if one is going to manage that section of the health care resource pie to push in that direction and to make the incentives such that physicians will move in that direction. That is particularly important as the population ages. Just about everybody, including the Canadian Medical Association, agrees that a fee-for-service basis is not the ideal way of dealing with large populations such as seniors with multiple varied complaints and chronicity.

Mr Frankford: One of the things the DHC does is approve applications for community health centres, but I do not think it actively plans them. Do you see some way you could do that and do you have any thought of how you would like to go about it?

Dr Kendall: I was looking at the budget of the district health council and it is just under \$1 million. It is supposed to plan for a region that is probably about 25% of the population of Ontario, and I would guess about 35% of the health care dollar is spent in that region. Basically, you have given them a very large mandate and they have less than 0.02% of the total budget to do that planning with. If they were to take that on, and I think it would be appropriate, I would certainly see pouring some more resources into the district health council so it would be able to support the volunteer base it relies heavily on at the moment.

They might have to persuade the Ministry of Health to reallocate money for its own—or most large hospitals have two to three health planners. One could do a secondment, for example, for a period of time from those hospitals. That would be reallocation within the system with people who already had a skills base.

Mr Wiseman: I have a comparative question. Have you done any reading or studying about some of the innovations taking place in the United States in response to the cost of delivering medical care to corporations, for example? I know that Chrysler, Ford and GM are running into such medical costs that they have actually started their own hospitals, hired their own doctors and moved in that direction. Also, in Boston, they have created clinics that are holistics where they have multiple professional approaches to medicine. Have you studied any of these?

Dr Kendall: I have tried to keep abreast of the literature, yes. I would not claim to be an expert in that literature. Obviously, the health maintenance organization is one of the broad-based, more holistic clinics that you are talking about and that certainly appears to be cost competitive and quality competitive within the US system. I think it is a model that bears reviewing for its appropriateness in Canada. There are some parallels with community health centres and with the proposed comprehensive health organizations. We do not really have any of those in Metro at the present time.

The other part, the techniques for managing costs and controlling costs within the individual hospitals, the diagnostic-related groups and intensity of care weightings, are being explored by certain hospitals up in Canada as well.

There are techniques that can be used within the Canadian system to manage within the existing system, manage hospital costs, for example, analyse hospital costs. They do not necessarily tell you whether the services being provided are de facto necessary, but they will tell you whether they are being provided in a competitive fashion.

Mr Wiseman: That raises a very interesting question about whether services are necessary, because in the same journal I read about the clinic in Boston, apparently in one sector of Boston heart bypass surgeries were extremely prevalent and then in another area they were dealing with the same type of heart patients in different ways. Do you see the different health council as trying to come to grips with the philosophy of medicine, as it were?

Dr Kendall: It may be more appropriate for the hospital council of Metro Toronto to take on the responsibility for examining differentials, perhaps, in care or differences in surgical rates and apply that analysis to its group, but I would see them working very closely with the Metro Toronto District Health Council. I am not sure the Metro Toronto District Health Council can be all things in detail to all people. What it can be is a forum to set the direction and give support and use very competent groups that have already existed with their memberships and which also have resources and databases and work with them once an overall direction has been defined.

The Chair: I will to move on to Mr McGuinty.

Mr McGuinty: I understand you are not a big fan of the federal government's expenditures restraint act.

Dr Kendall: That is correct.

Mr McGuinty: And you have a concern about the eventual elimination, I guess, of cash transfers for medicare. If that program were to continue, how would you see that affecting health care services in Ontario?

Dr Kendall: If the reduction in cash transfers continued, and eventual elimination?

Mr McGuinty: Yes, if it continues.

Dr Kendall: It would certainly reduce the resource base coming to Ontario. Both those cuts under Bill C-69 and the other Canada assistance plan cuts I believe in the last fiscal year cost some \$2.5 billion to the province, if my figures are correct. That is significant. That is going to place a lot of constraints on both the welfare side and the provision of funding to the existing health care side. That is why I am interested in becoming very involved at this point in time, because I think the health care system could be at a crossroads.

I was reading yesterday in the Globe and Mail that a majority of Canadians would apparently be ready to support a fee-for-service system, and I would see that as being the wrong route to take. I think the preservation of the health care system—not the components of the health care system, but the principles of the system we have now—is very important. I think the system can be managed in such

a way that the finite resources can provide a better and broader basis for health than they currently do, but I would see that this comes from managing the system better and reallocating within the system and looking for future needs, rather than reacting to constraints by slash and burn and finding alternative sources of revenue in user fees, for example.

Mr McGuinty: I gather you see the transfers as being the big stick the federal government can use to prevent the introduction of user fees and extra-billing. Do you think those would be a natural outcropping with the elimination of the transfer payments?

Dr Kendall: I think so, yes. Quebec certainly is talking about using user fees or disincentives for one pattern of care. British Columbia, prior to the recent election, was certainly favouring user fees and what it would call individual responsibility for use of services. I think a number of other provinces would also turn to that, because in some ways, within certain provinces, it is politically acceptable. Obviously the Canadian public currently sees it as an acceptable way to go, and it is probably easier than taking on the entrenched interests of the large institutions or the physicians, who one would have to take on head to head if one was going to reallocate and change the health care system sufficiently.

1040

Mr McGuinty: Do you know how the user fees are working in Quebec now?

Dr Kendall: No, I do not. I think they were talking about introducing a \$5 disincentive to users of emergency departments when a community health centre could have been used instead or when, in the judgement of the administrator or somebody, there was an alternative for cheaper access.

Mr McGuinty: I am not in favour of user fees personally, but the argument is often made that those of us in government have an obligation to attempt to take reasonable steps wherever possible to eliminate abuse. Do you see any kind of procedure or method that might be available to help us deal with abuse? I know there is some in the system.

Dr Kendall: I think user fees quite frankly are a red herring. It assumes that every quota of care that is currently given is necessary and therefore we need to prop that up and in fact continue it, whereas I think one could question that, right from the basis of simple lab tests that are routinely ordered. In every study I have looked at, it has been shown that the majority of those are never really considered by the doctor and form no part whatever in the diagnostic or therapeutic processes that are under way, but most of them are routinely ordered and then they are routinely ignored. The same thing goes for antibiotic choices and diagnostic tests.

If one looks at some of the larger elements in the health care system, as you are aware, we currently have caesarean section rates that are around 20%. Absolutely nobody with any authority thinks that is necessary or desirable, and it could be reduced, yet we still maintain that sort of excess.

The largest increase in coronary artery bypass graft surgery has been in men between the ages of 70 and 79. To

my certain knowledge, this has never been evaluated as to whether it even provides a better quality of life compared with medical practice.

I would suggest that before we start looking at user fees, which have been shown only to impact upon the sick and only to impact adversely on those who are poor—they certainly do not change utilization for those who can afford it—we start looking at inappropriate utilization or generation of services within the system.

Mr McGuinty: So your focus would be on providers as opposed to users.

Dr Kendall: Yes.

The Chair: Dr Kendall, I have a couple of questions. I am not sure where you are coming from with respect to taking on the vested interests in the health care system, but I am curious, as an observer, obviously, of the health care system in Ontario and an active participant, what is your view of what has transpired since the ban on extra-billing in 1986? How do you think that impacted on the system?

Dr Kendall: There are still some administrative charges which can be levied by certain physicians in certain groups. They have to be levied up front and service cannot be withheld if the administration fees are not paid, but overall the billing system, the fee-for-service system, has tremendous capability to adapt to constraints. If you are constrained in one area, you merely have to increase your services by a small fraction and you can make up for the income or the revenues you were not getting from another area. That has been shown in British Columbia.

I do not think physicians suffered financially in any respect because they could not levy user fees. So in fact one had a transfer from the government to the government, as a provider, from the pockets of the individuals, and I think that was equitable and fair. That was overdue, because the user fees were geographically inequitably distributed and they obviously impacted harder on some individuals than others. I have a philosophical objection to user fees or balanced billing.

The Chair: Do you think anyone suffered by the ban on extra-billing?

Dr Kendall: No.

The Chair: No one at all, not even the system. You do not think the system suffered in terms of the fee for services certainly taking a much larger chunk of the health care budget now than it did a few years ago?

Dr Kendall: I would hope that would act as more of an impetus to change the system rather than prop it up or maintain it, because I think it needed some major change.

The Chair: What about the agreement the current government has entered into in terms of the Rand formula, if you will, with the OMA and the cap on incomes? I am getting some feedback in terms of specialists who are talking about closing down their operations, not investing capital dollars in new equipment, and that we could start to see that impacting on the users within the next few months. Obviously, the GPs are not unhappy with the \$400,000 ceiling. In fact some have suggested it might be a goal to work towards. I am just wondering what your overall

views are in respect to that agreement and where it is taking us.

Dr Kendall: I believe it works out to about an overall 7% increase by the time you factor in a number of allowable increases, including the size of the population, aging of the population and complexity. It struck me that the 7% increase across the board was a very generous settlement for the highest-paid professionals in the province. It may be worth it if in the long run the OMA can be brought on side in the joint management committee to look at the very tough choices that are going to be facing the profession in terms of how the income is distributed between the professionals, the amount of work the professionals do and getting into quality assurance and continuing medical education and even capping the numbers of professionals working within the province.

The Chair: Are you optimistic that is going to happen?

Dr Kendall: I am going to wait and see.

The Chair: Thank you very much, doctor. We appreciate your appearing here. You have been very helpful and very informative. I wish you well.

Dr Kendall: Thank you very much.

The Chair: The next matter on the agenda is that, as you will recall, we had a request by Mr Grandmaître that we take the one week in respect to deliberating on the intended appointees who appeared before us last week so that perhaps some concerns could be investigated or what have you. In any event, the request was made and we now have to make those determinations this morning. I am looking for motions. I think we will deal with them on an individual basis.

We had Sharon Laffrenier, who is an intended appointee as a member of the Hamilton-Wentworth Regional Police Services Board; the honourable David Henry, who is an intended appointee as an alternate chair of the Lieutenant Governor's Board of Review, and Neville Chenoy, who is an intended appointee as a member of the Child and Family Services Review Board. That is it, so we have the three of them.

SHARON LAFFRENIER

The Chair: I am looking for a motion dealing with the appointment of Sharon Laffrenier to the Hamilton-Wentworth Regional Police Services Board. It is moved by Mr Wiseman that we concur with that appointment. Any discussion on the motion?

Mr McGuinty: The only point I wanted to make is that I had and I have some very serious reservations about Ms Laffrenier. I do not feel we had adequate time to explore her views and her abilities further, and as a result I feel I am not prepared, to be honest, to make a decision. If the government party feels it is prepared on the basis of the information it received at that time, I want to make it clear that I do not feel that way. I just want to put those comments on the record.

Ms Carter: I can understand that people might have felt that she was not very articulate, but I feel that with an appointment like that we are going into something new. We are looking at groups of people who have not been

brought on to this kind of board or commission before, in fact somebody who has been in many ways disadvantaged. To expect that kind of person to show the polish and the self-confidence and the eloquence that maybe somebody would who has had a silver spoon in his mouth and become a lawyer and this kind of thing—

The Chair: No reflection on the present company, of course.

Ms Carter: —or a doctor or whatever else, is not realistic. I felt that to reject her for that kind of superficial reason, when she is obviously a person who has had a lot of what you might call experience of probably the seamy side of life and whose heart, it seemed to me, was very much in the right place, would be a mistake. So I would vote very strongly to give her a chance.

The Chair: Anything else? Any other member?

1050

Mr Marchese: I agree with what the member for Peterborough just said, because it is so easy for us within a particular culture to have certain expectations of all people. If they are not as articulate as many of us are, we see that as a particular problem or deficiency. We tend therefore to view them negatively in relation to the skills they might have and in relation to what they could bring to a particular agency.

I agree absolutely with what the member for Peterborough just said. We need to remind ourselves of that. While I understand what the member for Ottawa South just pointed out earlier, at the same time we need to keep this perspective as we interview the candidates so as not to fall into those particular errors that we traditionally could make or have made.

Mr Wiseman: I would like to comment on that again. We need to remember that we as politicians develop a familiarity with one another, and the barriers, in terms of having awe for one another, break down as this familiarity develops. But the general public out there do not have the opportunity to become as familiar with us as we are with each other. When they come before us here, eight or nine strangers who are investigating who they are, what they are about, asking questions, it can be very daunting. She was quite nervous.

It does not take away from the fact that within her own community she has worked on social councils, she has worked in the community with people and she has been an advocate of people in her community and has participated in a very positive way. It does not take away from the fact that she was nominated by other members of her community who suggested that she come and do this. The fact is that she is volunteering and will bring a perspective to the police services board that will be unique. I have a little bit of difficulty in using nervousness as a criteria for appointment to police services boards.

Mr Grandmaître: I find this discussion somewhat strange. I think this is the first time we have had this type of discussion and we are all talking about the same person. Who is nervous? I have heard the members for Durham West and Peterborough say this person has great qualities. I am not trying to denigrate her, but we all have something

to say or were thinking of something and I think it shows that the members for Durham West and Peterborough are not too sure of that appointment. They are not too sure and they are not fully convinced.

It is our job to find the best-qualified person for that job. What they are saying is that she might have been nervous but she has a great heart, worked with the community and so on and so forth. These are all great qualities, but we still have to find the best-qualified person for the job and there is a limit to every person. Ms Laffrenier might be a great person with great qualities, but we are appointing a person who I think is over her head.

Mr Wiseman: I would like to comment on that. I have done some research into her background. She has shown great potential to grow. She began in a situation that you and I have only had an opportunity to read about and not experience. She has grown and she has broken out of that cycle that she was originally born into. She has not only grown out of it to develop her own net worth, she has grown out of it to expand and to help other people to do the same thing.

If what I said causes you to think that I have any reservations about supporting her, I would like at this point to say that I do not have any reservations about supporting her. In terms of people who have come before this committee, notwithstanding her nervousness, she is probably one of our very good appointments in terms of demonstrating ability and demonstrating ability to grow out of circumstances and to show innovation, creativity and generosity to others who have not had the same kind of opportunities. I think she will be an excellent person on that services board, and when she becomes comfortable she will really start to show leadership. I have no reservations whatsoever.

Ms Carter: I have none either.

Mr Marchese: Mr Grandmaître raised some questions that many of us have had to deal with in the past. When we speak of looking for the best candidate or the most qualified, that is the criterion we have used in many institutions to keep a lot of other people out, most of the time perhaps unwillingly, unintentionally. But when we use that criterion, that is what happens.

We never look at how we view candidates. We never look at how race, for example, could be an issue in terms of how we reflect on the person's qualifications. We sometimes never look at their experience and knowledge they bring, as to whether they could be good candidates in those positions as opposed to did they answer the questions the way we wanted and were they articulate in answering those questions?

We often have to look at ourselves in terms of how we judge and how we evaluate those aspects of an interviewee because we could make serious mistakes. I throw that out as something we need to assess ourselves on all the time as we review candidates.

The Chair: We have had a pretty thorough discussion.

Mr McGuinty: To ensure I am not misunderstood, I agree with most of the comments made by the government members, but they are misconstruing my reservations as being somewhat dependent upon the witness's nervousness,

her lack of ability to express herself, how articulate she was. Those are of no concern whatsoever to me.

There is something beyond that. We should remind ourselves, from time to time, this is not a popularity contest. We have a job to do. Sometimes it is not easy to do and we have to make tough decisions. All I am saying is that I do not feel I have enough information to make me completely comfortable in appointing this person to this position. That is all I am saying.

The Chair: We have a motion from Mr Wiseman to concur in the appointment of Sharon Laffrenier to the Hamilton-Wentworth Regional Police Services Board.

Motion agreed to.

DAVID HENRY

The Chair: The next appointment we have to deal with is the Honourable David Howard Henry, intended appointee, member and alternate chair, Lieutenant Governor's Board of Review. Do we have a motion to concur with that appointment?

Mr Waters moves appointment of David Howard Henry.

Mr McGuinty: I am not sure we could find a more qualified candidate than Mr Justice Henry.

The Chair: I was extremely heartened by his responses to my questions. I am optimistic about the job he is going to do as alternate chair.

Mr Wiseman: I would like to make one comment on Judge Henry. While you are concerned and have a good feeling about his qualifications—I believe he is qualified—I have a reservation in that we were unable to pin him down in terms of the philosophical and intellectual criteria he will use in order to determine the people who come before him. I have reservations about that. However, the point to be made here is that he has demonstrated in his past that he has this intellectual ability, and we know his record, clearly. He will probably be a good appointment, but in terms of reservations, if I had reservations about anybody, I have reservations about knowing what his intellectual parameters are, because he did not tell us.

The Chair: Mr Waters moves that the committee concur in the appointment of Judge Henry.

Motion agreed to.

NEVILLE CHENOY

The Chair: The final intended appointee from last week's review is Neville Chenoy, intended appointee as a member of the Child and Family Services Review Board.

Mr Frankford moves that the committee concur in the appointment of Neville Chenoy.

Motion agreed to.

WAYNE COLBRAN

PERRY KENDALL

The Chair: I will move on to this week's reviews. Is there any member who wishes to see the decision with respect to the intended appointees' review this morning delayed? No concerns.

Mr Wiseman moves that the committee concur in the appointment of Mr Colbran and Dr Kendall.

Mr Wiseman: I would like to make a comment about Dr Kendall. In the time we have been reviewing people, this gentleman who was before us today is probably one of the most qualified and most brilliant we have seen. He comes to this appointment with an intellectual rigour that will be extremely beneficial to the people of Toronto. If anybody can help the health system come to grips with the problems it is facing, I believe this gentleman has all the qualifications to do that. I am really quite pleased with this appointment.

Motion agreed to.

SUBCOMMITTEE REPORT

The Chair: The next item on our agenda is the report of the subcommittee on committee business. That is attached to your agendas. Are there any questions, comments or concerns with respect to the subcommittee report?

As you can see, we have laid out the committee's schedule as best we can, plus we are advising you of the

selections made for review in the upcoming weeks, the Ontario Energy Board, Mary Rounding. No selections were made for the October 17 orders in council. October 24, selected by the third party, the Ontario Board of Parole and the Liquor Licence Board of Ontario. I am assuming from the lack of response that the committee concurs with the report of the subcommittee.

Mr Grandmaitre: I would like some clarification. Mary Rounding will be before us what date?

The Chair: November 20.

As the committee concurs with the report of the subcommittee, we will move into closed session. We are going to be dealing with the draft reports David has prepared for us on TVOntario and the Eastern Ontario Development Corp.

The committee continued in camera at 1104.

CONTENTS

Wednesday 6 November 1991

| | |
|------------------------------|--------|
| Appointments review | .A-673 |
| Wayne Colbran | .A-673 |
| Perry Kendall | .A-675 |
| Sharon Laffrenier | .A-678 |
| David Henry | .A-679 |
| Neville Chenoy | .A-679 |
| Wayne Colbran; Perry Kendall | .A-679 |
| Subcommittee report | .A-680 |

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Appointments review
Subcommittee report

Assemblée législative de l'Ontario

Première session, 35^e législature

Journal des débats (Hansard)

Le mercredi 20 novembre 1991

Comité permanent des organismes gouvernementaux

Révision des nominations
Rapport de sous-comité



Chair: Robert W. Runciman
Clerk: Douglas Arnott

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Table of Contents

Table of Contents for proceedings reported in this issue appears at the back, together with a list of committee members and other members taking part.

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Table des matières

La table des matières des séances rapportées dans ce numéro se trouve à l'arrière de ce fascicule, ainsi qu'une liste des membres du comité et des autres députés ayant participé.

Il existe un index cumulatif des numéros précédents. Les renseignements qu'il contient sont à votre disposition par téléphone auprès des employés de l'index du Journal des débats au (416) 325-7400.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 20 November 1991

The committee met at 1009 in room 228.

APPOINTMENTS REVIEW

Resuming consideration of intended appointments.

MARIE ROUNDING

The Chair: The first matter on our agenda is the review of the intended appointment to the Ontario Energy Board, as member and chair, of Marie Rounding. Before we ask Ms Rounding to come forward, I know all members have received a copy of an opening statement and this is a little bit unusual. We only have one hour to deal with Ms Rounding. I want to get unanimous consent to hear this because it is going to eat into your one hour of time to ask questions.

Mr McGuinty: I have no objection to the statement being read in but I would prefer that it be done outside the one-hour period during which we have time allotted to ask questions of Ms Rounding.

Mr Wiseman: Is it not customary, Mr Chairman, that we always ask if anybody has an opening statement or opening comments? I do not remember in the past ever having put a time limit on the—

The Chair: I do not put a specific time limit but I ask, if you have a comment, to make it very brief because we do have time restraints and this is probably going to take 10 minutes.

Mr McGuinty: I might note that we are looking at a typed statement here of some 5½ pages. That is something we could read or, as I say, if Ms Rounding prefers to—perhaps the members of the government would be prepared to give up some of their time but I am not, Mr Chair.

The Chair: Do we have unanimous consent to have Ms Rounding read this without it being taken off the one hour of questioning time?

Mr Waters: Is this read into the time allotment?

The Chair: No, it is not. So we do not have unanimous consent to that. In my view, we have one hour of questioning time allotted. If that is the case, I will simply allow Ms Rounding to have about 30 seconds to a minute and not read this into the record. That is if we cannot get unanimous consent.

Mr Wiseman: I would need clarification from the clerk on this but I do not think there has ever been a time limit allocated to this. The hour set aside is the hour and all statements to be read or questions to be asked are within the time frame of the hour.

The Chair: I am going to make an arbitrary decision on this with respect to the view that under the standing orders the intent is to make a request for time allocation for questions and responses. If someone comes in here with, for example, a 30-minute opening statement or a

one-hour opening statement, I think there has to be some element of authority granted to the Chair with respect to making a decision on this. I think this is unusual. We have not had this kind of an opening statement request made to us.

Mr Wiseman: I move that we should allow the deputant to make a 10-minute comment, with a maximum time of 10 minutes.

The Chair: Outside of the one hour.

Mr Wiseman: Inside the hour.

The Chair: I am going to have to consult with the clerk, because I personally have great difficulty with that in respect of the intent of this committee. The Liberal Party have requested an hour. It was their request in terms of time and what you are doing in the motion you were making, I believe, is out of order with respect to the fact that the Liberal Party has made a request for one hour of questioning time. What you are saying, by your motion, is that we are going to simply remove 10 or 12 minutes of that time. I do not think it is appropriate and I think the motion is out of order.

I stand to be corrected on that. You are putting our new clerk in a tough position on her first day here. I am going to recess for 5 minutes. I personally cannot see why we do not go ahead and have the 10 minutes outside the one hour, but if you are going to insist on pursuing this I am going to call a recess to deliberate with the clerk. Are you persisting with the motion?

Mr Wiseman: Yes.

The Chair: Five-minute recess.

The committee recessed at 1014.

1017

The Chair: We will come to order again. We have reached an agreement and we are going to ask Ms Rounding to come forward. She is going to have up to seven minutes. Ms Rounding, welcome to the committee. I apologize for the unsettling circumstances with respect to your appearance here. I will let you begin your opening statement right now.

Ms Rounding: Members of the committee, I apologize for the length of this opening statement, but I felt that some concerns had been raised and that it would be to the benefit of everyone to address those concerns in the opening statement. You will have to pardon me if I speak quickly.

I am honoured to be the Premier's nominee for chair of the Ontario Energy Board. The position is challenging and stimulating and I would look forward to the opportunity to serve the people of Ontario, if the committee recommends approval of my appointment.

I understand the committee has received a copy of my curriculum vitae, which outlines my educational and professional experience. It shows that after several years as a secondary school teacher and a lawyer in the private sector, I joined the Ontario government in 1980 as legal counsel at the Ministry of Energy. I have served with the Ontario government ever since, in a number of capacities.

At the Ministry of Energy, I performed solicitor's functions associated with government practice. I also appeared as an advocate before the National Energy Board to represent the interests of Ontario in the TransCanada Pipe Lines rate facilities application hearings. To develop skills in rate regulation, I attended a regulatory studies program sponsored by the National Association of Regulatory Utility Commissioners at Michigan State University in the summer of 1983. I also had considerable exposure to environmental concerns when representing the ministry before the joint board on the London Victoria Hospital energy from waste hearing and at the National Energy Board TCPL facility application hearings, where I addressed various ministries' concerns related to the environmental impact of pipeline construction.

Before my appointment to the Ontario Energy Board in 1984, I served briefly as the acting director of the legal services branch, in my first exposure to management experience. I served on the board from 1984 to 1987 and sat as a member and later as presiding member of board panels relating to the regulation of the natural gas industry, including setting of rates, authorizing construction of transmission lines and approval of franchise agreements.

I was also privileged to chair a hearing of all nine Ontario Energy Board members regarding the awarding of costs and related procedural matters. This was considered a progressive approach under existing legislation to provide for greater public participation in the hearing process prior to the introduction of the Intervenor Funding Project Act, 1988. I was also responsible for preparation of the board's report and for implementation of the cost award assessment procedure.

At the end of my three-year term I returned to the Ministry of the Attorney General in order to further develop my legal skills and to obtain management experience that would qualify me for more senior positions.

My first management position was as legal director at the Ministry of Financial Institutions from 1987 to 1990. There I was responsible for the delivery of legal services to the client ministry in the program areas of pensions, insurance, provincial deposit institutions and mortgage brokers. While at the Ministry of Financial Institutions a Best Management Practice award was received from Management Board of Cabinet that recognized the innovative management techniques I introduced in the legal services branch.

In 1989 I was selected as one of five representatives of the Ontario Public Service to attend a three-week course at Queen's University entitled Program for Public Executives for senior civil servants from across Canada.

In April 1990 I became the director of the crown law office-civil law in the Ministry of the Attorney General. This central office with 35 lawyers is responsible for providing legal services for all major litigation for the Ontario

government. It also provides key legal opinions to other ministries, the Cabinet Office, the Premier's office and government agencies. In this position I am responsible for providing legal advice on a wide variety of sensitive matters, including conflict of interest. In my year and a half there I have undertaken a complete reorganization of the office, introduced a new management structure, and initiated procedures to ensure quality assurance and improve client service.

I believe that my administrative law and management skills acquired in the last four and a half years at the Ministry of the Attorney General, in addition to my previous energy law and board experience, have uniquely qualified me to meet the selection criteria for the position.

Now let me address an issue that has been the subject of a letter to the Premier and a press release by the Coalition of Environmental Groups and a letter to this committee by the Industrial Gas Users Association. These letters make allegations of possible bias on my part. Apparently the problem the coalition and IGUA have is with my husband, Ronald Atkey, to whom I have been married since 1976.

Notwithstanding our personal commitment to each other and our two children, we have pursued separate professional careers which have been very much independent of each other. We have carefully kept an appropriate distance between our differing professional obligations and allegiances: in my case, to three separate ministries within the government of Ontario as well as to the Commercial Registration Appeal Tribunal and the Ontario Energy Board; in his case, to his cabinet colleagues as a federal minister in 1979-80, to the government of Canada as chairman of the security intelligence review committee from 1984-89, and to partners and clients of his law firm, Osler, Hoskin and Harcourt, of which he has been a partner since 1976.

Given this background, I am both surprised and disappointed by allegations that I would somehow be biased in the discharge of my professional obligations as board chair, not because of who I am or what I have done but simply because of who my husband is, and what he or his law firm has done. This seems to indicate an outdated view that professional men will always be able to influence and manipulate their female companions who achieve senior positions, and that such women are incapable of exercising independent judgement and are unable to distinguish between personal relationships and professional responsibilities.

I am sure that I can depend on you, as members of the provincial Parliament, to appreciate the implications of this allegation for all professional women who enjoy spousal relationships with professional men, yet do not want to be hindered in pursuing independent careers to the highest level.

Be that as it may, let's deal with the facts. My husband has been a member of the law firm of Osler, Hoskin and Harcourt since 1974. It is one of Canada's largest firms, with 244 lawyers in Toronto and Ottawa, as well as four offices abroad. In his practice he has been a member of the corporate law department and has personally represented a broad range of individuals and corporations in a variety of business sectors, including banking, finance, communications,

manufacturing and energy. He is a director of corporations in each of these sectors, including British Gas (Canada) Ltd, a holding company established four years ago solely for the British Gas investment in Bow Valley Industries of Calgary.

In recent years he has not appeared before provincial or federal courts or tribunals, since this is a function within his firm normally undertaken by members of the litigation department. His last appearance before the Ontario Energy Board was in 1978.

In anticipation of my proposed appointment as chair of the Ontario Energy Board, my husband, in a memorandum to the managing partners of his firm, has outlined certain steps he would take and certain procedures his firm would implement to avoid any public perception of reasonable apprehension of bias on my part or passing of confidential information. The procedures outlined in this memorandum have been accepted by the managing partner of his firm, who has allowed me to file copies with you today.

The memorandum indicates that he would avoid discussions with any lawyers within his firm, clients of the firm, or any third party regarding matters that are or might come before the board. Also he would not take on any matter in his own practice that would involve the board or its staff. The memorandum also contains specific procedures that would be implemented by his firm respecting Centra Gas.

Dealing briefly with the specific allegations of anticipated spousal bias made by the Coalition of Environmental Groups, allow me to place these facts on the record:

1. I am advised that neither my husband nor any member of his firm is currently representing British Gas or Consumers' Gas on matters before the Ontario Energy Board. The periodic rate applications by Consumers' have been presented by the firm of Aird and Berlis.

2. Osler, Hoskin and Harcourt does not have a continuous retainer with the Ontario Natural Gas Association and has only one current matter involving a member of Osler, Hoskin and Harcourt. This is an environmental assessment matter before the Ontario Hydro demand/supply plan hearing and is not a matter before the Ontario Energy Board.

3. The situation regarding Centra Gas is dealt with in detail in the memorandum I have shared with you.

Dealing with the concern of IGUA that my husband will benefit from his firm's involvement in proceedings before the board and that I will share in those benefits directly or indirectly:

1. The fees generated from Centra Gas before the board are discussed in my husband's memorandum. My husband has indicated that if deemed appropriate, he would be prepared to forgo his portion of the fees earned from Centra Gas in respect of board hearings while I am serving as chair.

2. Centra Gas and its predecessors have been represented by Osler, Hoskin and Harcourt for over 30 years since its commencement of business.

In conclusion, it is my view that the allegations of possible bias made by the coalition and IGUA are unfounded, given all of the information I have provided today, and that my husband's professional activities, as

described, are not a bar to my appointment as chair of the board.

Before responding to your questions, I would like to make some brief comments about the mandate of the Ontario Energy Board. I am sure this committee is well aware that the Ontario Energy Board regulates the natural gas industry through setting of rates, authorizing construction of transmission lines and approval of franchise agreements under the Ontario Energy Board Act and six other statutes. The board also assumes an advisory role on matters referred to it relating to natural gas issues, Ontario Hydro and other energy matters.

The traditional reason for utility regulation is to secure for the public fair and reasonable prices and an adequate level of service from a natural monopoly. Rate regulation will allow recovery of reasonable costs and provide a reasonable return to the utility. Other objectives include the fair allocation of costs between customer groups and the promotion of efficient use of the services and discouragement of wasteful use. Regulation provides a mechanism for balancing conflicting interests.

In recent years, the regulatory environment has changed substantially. It has become increasingly more complex and time-consuming, with a wider range of interests being represented before regulatory bodies. The definition of the public interest, which has always been a difficult judgement to make, has become even more challenging as it changes.

As we are all aware, environmental considerations are becoming more important in business decision-making in Ontario. This is as true for the energy industry as it is for the rest of our society. The government, I believe, has indicated in many ways the prime importance it attaches to energy conservation. In addition to conservation, a prosperous economy needs reliable supplies of energy, including electricity and natural gas.

Within this context, a major challenge for the board is to involve the public and all sectors of our society in a process that is sensitive to broader social, environmental and cultural considerations. It must be a process that will balance our need to improve the economic efficiency of energy use and to provide adequate, reliable supplies while minimizing environmental impacts.

If this committee recommends approval of my appointment, I would welcome the opportunity to participate in meeting the challenges the Ontario Energy Board faces in the coming years.

The Chair: That was quickly and well read. You did not quite make the seven minutes, but no one complained.

We will begin the questioning with the official opposition, who selected you for review. Mr McGuinty.

Mr McGuinty: Welcome, Ms Rounding, to our committee. I have just today received the statements contained in your opening statement and the copy of the memorandum prepared by the managing partner of Osler's. I had no prior knowledge of them. Have you discussed those matters with IGUA or the coalition and do you believe you have alleviated their concerns?

Ms Rounding: I have not discussed the matter with IGUA or the coalition. I did not feel that would be appropriate. I hoped these steps would alleviate their concerns and they are directed to the concerns outlined in their submissions.

Mr McGuinty: I am not sure whether you fairly categorized the concerns of IGUA and the coalition and—as I hope you will understand—my concerns with respect to your appointment. No one here, to my understanding, is alleging that you would be biased. Our concern here is that in light of the importance of the role of the Ontario Energy Board and the economic repercussions its decisions have throughout the province, it is absolutely crucial that there be not only no bias, but no apprehension, no appearance of bias. That is what we are after here, merely the apprehension and appearance. That in any event is my concern, and I believe that IGUA and the Coalition of Environmental Groups are concerned about the same thing.

1030

You raise an interesting point, which has been made before, that in this day and age it is no longer acceptable to lump husband and wife together merely by virtue of the marriage relationship and to imply they cannot have separate career paths. I wanted to read something to you and then I want to have you comment on it. It was contained in the brief prepared by government solicitors in the Attorney General's department in connection with the environmental assessment hearing and the concerns that were raised regarding a very similar circumstance, and in case government members or any of us here are not familiar with that, it is the environmental assessment hearing which is presently considering Hydro's demand/supply plan.

A law firm acting for a party or an applicant at that hearing has within its partnership a partner who is married to Ms Grace Patterson, one of the persons sitting on the panel. So we are dealing with a very similar circumstance. The government lawyers were very concerned with that, and as a result they introduced a factum. To show you just how concerned they were about it, that factum is 31 pages long. I want to tell you what they said about the matter I just referred to:

"In approaching the question of spousal bias, we acknowledge that it is increasingly the trend in the law as well as society to treat spouses as separate and independent individuals. Spouses frequently have separate careers, own properties separately, and hence, in many cases, they function professionally and financially as separate individuals.

"In spite of this trend, however, spouses continue to be closely linked to one another. Spouses usually live together, they likely own some property jointly, and it is almost inevitable that financial benefits received by one spouse will be enjoyed, at least indirectly, by the other. The preamble of the Family Law Act...expressly recognizes marriage 'as a form of partnership' and the act ensures that in situations such as marriage breakdown one spouse can share in the property of the other."

It goes on to quote Mr Justice Parker who considered the Sinclair Stevens matter. "The commissioner recog-

nized the 'reality of marriage as an economic partnership' and pointed out that recent reforms in the area of family law had been 'to create regimes where each spouse has a clear pecuniary interest in the financial activities of the other.' In the commissioner's view, 'These legal changes have only enhanced the social reality that spouses usually have a profound impact on one another.'

"It is also possible to discern a growing trend to approach questions of bias and conflict of interest with even more rigour than in the past."

I would suggest, Ms Rounding, that the trend today in matters of government and government agencies is to be even more rigorous in taking all the necessary steps to ensure there is no apprehension of bias. How do you respond to that?

Ms Rounding: First of all, Mr McGuinty, this was the original submission of the Attorney General in that hearing. It was based on the facts they were aware of at that time. I believe that subsequent to that, McCarthy Tétrault submitted a further submission as to how they proposed to deal with the situation. The arrangements they proposed were similar to the ones my husband has proposed. After that was submitted, the Ministry of the Attorney General, through its counsel at the hearing, made a further submission. I would like to refer to that.

"Firstly, with respect to whether prima facie reasonable apprehension of bias exists because of the indirect pecuniary benefit that may accrue to Ms Patterson as a result of Mr Sorell's share of fees earned by McCarthy's from AECL in respect to the DSP hearing, McCarthy's has provided information to establish that such a pecuniary benefit is not significant. McCarthy's has also provided information to indicate that their firm's position in the environmental community is already well established and is therefore unlikely to be affected in any substantial way as a result of their presence at the DSP hearing. Additionally, McCarthy's has provided information to establish that their firm has a well established and long-standing relationship with AECL. Consequently, a favourable outcome for AECL at the DSP hearing is, in our view, unlikely to be a significant factor in any decision by AECL to retain McCarthy's to do further legal work."

It then goes on to address the question of the perceived problem of exchange of confidential information which I will not go into, but the conclusion is, "Having regard to all of the information that has been provided by McCarthy's, we feel there is an adequate basis upon which the DSP panel may find that any concerns that may have existed with respect to a prima facie reasonable apprehension of bias and with respect to a perceived problem of confidentiality of information have been satisfactorily addressed."

I would say the situation is very similar to my husband's situation, and the steps he has proposed to take in terms of putting a cone of silence around him, and also in terms of forgoing any share of the profits from this particular client before the board, I think adequately meet the concerns that were initially raised in the first factum of the government.

Mr McGuinty: I can understand, Ms Rounding, why you would want to have this committee come to the same conclusion the government lawyers came to ultimately. We should indicate for the record that the panel has not yet addressed the situation, as you quite properly indicated, so we do not know what the panel is going to decide. Government lawyers have decided that you have satisfied their concerns, and what we are trying to do is to determine whether you have satisfied our concerns.

I just want to confirm Mr Atkey's involvement with the gas industry. First of all, I understand he is a director of British Gas (Canada) Ltd. You indicated that. You can stop me if I am wrong here. He personally represented British Gas at the Investment Canada hearing; is that correct?

Ms Rounding: There was not a hearing in dealing with Investment Canada. He did represent them on the federal matters, yes, and one of them was Investment Canada.

Mr McGuinty: And that was with respect to the sale of Consumers' to British Gas?

Ms Rounding: Yes.

Mr McGuinty: His firm today acts for Centra Gas?

Ms Rounding: His firm acts for Centra Gas, that is correct.

Mr McGuinty: And of course Centra Gas's rates, like the other two Ontario utilities', are regulated by the Ontario Energy Board. Correct?

Ms Rounding: Yes.

Mr McGuinty: The firm has in the past acted for the Ontario Natural Gas Association?

Ms Rounding: It has one matter before the Ontario Hydro demand/supply hearing.

Mr McGuinty: The Ontario Natural Gas Association, as I understand it, is an association to put forward the common interests of all three Ontario natural gas utilities?

Ms Rounding: Yes. This, I must make clear, is not a continuing retainer. It is just a retainer for this one isolated hearing.

Mr McGuinty: I understand that the firm acted for British Gas at the OEB hearing with respect to the sale of Consumers'?

Ms Rounding: Yes, and again that was one isolated hearing.

Mr McGuinty: Is your husband a director in any other gas company, other than British Gas?

Ms Rounding: No, he is not.

Mr McGuinty: Does he have any kind of interests in the gas industry I have not referred to today?

Ms Rounding: Not that I am aware of.

Mr McGuinty: I understand one of the matters the OEB has yet to consider is that there was the matter of British Gas, pursuant to undertakings it was required to enter into when it bought Consumers' Gas, being required to spend \$30 million in Canada on research and development. I also understand it is up to the OEB, pursuant to section 12 of the British Gas undertakings—that would be your job—to determine if the \$30-million expenditure

should be borne by British Gas shareholders or Consumers' Gas customers. Is that correct?

Ms Rounding: I am not familiar with the details of the undertakings.

Mr McGuinty: I want you to go along with me and take my word on that, and I just want you to explain to me the difficulties, if any, you might have—here we are not dealing with your husband's relationship with the law firm, but rather the fact that he is a director with British Gas. How does that tie into this?

Ms Rounding: He is a director of British Gas (Canada) Ltd, which has nothing to do with Consumers' Gas. The company's sole reason for being is to hold the investments of Bow Valley Industries, and it has nothing to do with the other side of the business.

Mr McGuinty: You are saying that there are no ties whatsoever, that there is no reason that he, as a director of British Gas (Canada) Ltd, would favour Consumers' Gas customers paying that \$30 million R&D over British Gas shareholders?

1040

Ms Rounding: No, I think the link is far too remote. My husband, as a director of the company, has a fiduciary obligation to act in the best interests of that corporation. Even if you could take that obligation up to the parent, which I am not sure you can, a fiduciary relationship founded on good faith and integrity should not require the director to take advantage of or use that confidential information or to breach integrity in order to secure a benefit from the board.

I think that takes us back to the point that my husband and myself have held sensitive positions over the years. That is why I took the time to outline them in my opening statement, to show that this is not a new problem for us. We have both held very sensitive positions and have had to be in a position where we have kept information from each other. I think the scenario you outline assumes that either or both of us would somehow be breaching our professional obligations or somehow acting improperly.

Mr McGuinty: Again, I am always concerned with the apprehension here, Ms Rounding. I do not want to be misconstrued. I want to make it perfectly clear that I am never alleging that you are in fact biased, or that you would do anything to lead us to believe that you had acted in a biased manner.

I want you to cast your mind back to September 1984 when you were a member then of the Ontario Energy Board. At that time the panel consisted of the chair, Robert Macaulay, also acting as the presiding member, Ian MacNabb and yourself. Do you know what I am going to talk about here, by any chance?

Ms Rounding: Yes, I do.

Mr McGuinty: First, I should note that the chair himself raised the concern, and it was not at the prompting of any particular party. He said there may be a problem in that your husband was associated with the firm which was representing a party.

Ms Rounding: That is correct. In fact, I asked him to disclose that at the beginning of the hearing.

Mr McGuinty: Why did you ask him to disclose that?

Ms Rounding: Because I felt that in order to dispel any apprehension of bias one should always declare in advance of a hearing if there is a potential problem.

Mr McGuinty: So you recognized that there was potentially a problem with you sitting on this and hearing this matter when—

Ms Rounding: I think disclosure is very important in any of these issues.

Mr McGuinty: Now, I do not have the information as to what happened, what took place after this, but when this hearing continued you were no longer on the panel. Did you withdraw?

Ms Rounding: Perhaps I could explain what happened. First of all, no one objected to my presence on the panel. What happened was that Peter Thompson, counsel for IGUA, indicated that because the association has a number of members, he would like to canvass the membership. He only had the executive director with him that day. He did not object. In fact, the transcript indicates clearly that he said, "I am not objecting; I simply want to canvass my membership."

What Mr Macaulay proposed at the time was that because it was a first-day procedural—it was not exactly a hearing; I guess you would call it the first-day proceeding before the actual body of the hearing begins and they were only dealing with procedural issues—I would step down for the rest of the day while they heard procedural issues. Mr Thompson would canvass the IGUA membership and when the hearing resumed, and I think it did not resume for another month, the issue would have been dealt with, and if Mr Thompson had an objection he would raise it at that time.

In the interim, however, Mr Macaulay decided that he would not proceed in that fashion, although he had indicated so on the record. He called me that night and asked me to step down. I did step down. I would have preferred to have stayed until Mr Thompson had reported back to the board, but that is what happened.

Mr McGuinty: I want to make clear that we have precisely the kind of circumstance which the coalition has talked about, which IGUA has talked about, and which I am talking about, and in those circumstances you withdrew. What happens if in the future you are asked to withdraw again?

Ms Rounding: First of all, I would like to say that at that time the issue had not before been raised before tribunals. In fact, there are only two court cases on the topic in the Canadian authorities and they both involve judges. I might add that in both cases the courts found that it was not necessary for the judges to step down where a member of their family was appearing before them.

That aside, I do not know why Mr Macaulay made that decision, but I could surmise that at that time the issue had not been well thought through. It had not come up before, and I think the thinking regarding spousal relationships—I

must say it is not a conflict; it is an apprehension of bias, and I think we have to distinguish between those situations. That issue has now come up in several situations. You have already alluded to the Ontario Hydro demand/supply hearing. In that hearing an almost exact situation has come up. What has happened is that proposals are being undertaken by law firms to deal with those situations. In the situation in 1984 nothing had been proposed by the firm to deal with it. Now there are definite steps my husband and his firm are proposing to deal with it so that we will not have that apprehension of bias.

Mr McGuinty: Are you confident, Ms Rounding, that if a party in the future raises this concern about an apprehension of bias—I think for the person on the street, it is quite understandable to think: "You've got a couple living together. There may be, not advertent, not deliberate disclosure of information, but rather inadvertent. You pick up a phone call for somebody. Somebody leaves some work lying on a particular desk and you see something that maybe you shouldn't see." I think the person on the street might tend to think like that, and if a party, as I say, were to raise this concern about this apprehension of bias because of your relationship with your husband and his relationship as a director with British Gas and a partner in a law firm, you are comfortable that you can say at that point: "Listen, there is no bias here. I am sitting on this matter and we are going to proceed, notwithstanding your concerns."

Ms Rounding: Yes. Given the facts, as I have outlined them in my opening statement and as my husband has outlined them in his memorandum, and the steps he and I are prepared to take, I am confident I could preside over any hearing before the board. That having been said, it is open to any party to raise a concern or even an objection at the time of a hearing. Certainly, if that is raised, I would be very sensitive to the issue as it was raised at that time and the circumstances surrounding it, and certainly I and my panel members would consider it very carefully. I think we have to recognize that there is not an apprehension of bias if it just does not look good; it has to be more than that, and I think the Canadian authorities and the courts have said, and it is in the Attorney General's original factum, that only in cases of a substantial interest will a reasonable apprehension of bias arise. They have also said it is only in exceptional circumstances where anything other than an economic link would be a factor.

My view is that we have taken whatever steps we can to deal with the situation now. If a situation arises in the future, we will look at it then and see if the steps we have taken are adequate or whether anything else can be done to solve the problem.

The Chair: You have 30 seconds left, Mr McGuinty.

Mr McGuinty: All right then, my final question, Ms Rounding: If a party were to raise such a concern before the OEB, would you be involved in making the decision as to whether you constituted a problem, or would you stand back and let the other members sitting on that particular panel deal with it?

Ms Rounding: No, I would be involved in the decision as a member of the panel, in the same way that Ms Patterson is a member of that panel and in the same way, in the authorities that are in the submissions before the Hydro hearing, that the judges have made a decision on whether they should step down or not, and those are judges sitting alone.

Mr Jordan: Thank you, Ms Rounding, for appearing before the committee this morning and giving us a lesson in speed reading.

I would like to dwell on the fact that even with all these legal precautions you have shown in your documentation here and through questioning, regulatory agencies cannot afford even the appearance of bias. This is the part that really concerns me. Even though you have all these protective clauses and procedures and so on, so that in fact legally there is no bias, how do you respond to that appearance of bias which the public no doubt is going to perceive?

1050

Ms Rounding: It is not only that we have taken legal steps, but we have gone beyond that. The steps we have taken are meant to deal with that apprehension of bias. If my husband does not know anything about what is going on with regard to matters before the board, if he does not talk to the lawyers involved in the Centra case, if he has nothing to do with them, if he does not see any information relating to it—all the members of the firm are apprised of the situation—how could he possibly be in a situation to pass information on to me? In the same situation, I, with my professional obligations and oaths of allegiance, would be in the position where I would not disclose any information to him.

We get back to the question of whether it is the fact that it does not look good, or if there is really a substantive interest that needs to be dealt with. These steps we have put in place will deal with those concerns. He will not share in it financially. There is no direct benefit for him there and we are going to isolate him in terms of being exposed to information that might relate to anything that comes before the board.

Mr Jordan: So you feel quite comfortable in accepting the position?

Ms Rounding: Yes, I do.

Mr Jordan: Do you not see that in carrying out your responsibilities at the Ontario Energy Board you will be frequently excusing yourself from decision-making, partaking in the discussions on many items, setting rates and so on for the gas companies?

Ms Rounding: As I indicated before, I do not see any reason why I would have to do that with the procedures that have been put in place. There would be no reason for me to do so. I would not be privy to other information nor would I be conferring a benefit in any way. These steps are to remove that apprehension of bias.

Mr Jordan: By what means would we convey that to the public?

Ms Rounding: I presume that if the issue were raised in a hearing we would deal with it with a decision of the panel.

Mr Jordan: The Ontario Energy Board will no doubt be making important decisions relative to Ontario Hydro and the generation of electricity. Those decisions will eventually come down to whether we are going to expand our nuclear base or use natural gas as a source of energy to generate electricity. There is such a broad area where you cannot have direct conflict, but it could lead to a decision where it did have a direct effect on the gas companies and the amount of generation by gas because of a recommendation from the Ontario Energy Board. Do you not see that as a problem as chairperson?

Ms Rounding: No, I do not see that as a problem. If my husband does not benefit from any decision I make, why would I make a decision that would favour a utility or anyone else? First of all, the assumption is that I would be breaching my professional obligations to do so and I would be offended if anyone would say that.

Mr Jordan: No, excuse me, but anyone professionally advised would not be making that assumption. My concern is that there are others who are not and do not understand the protections that have been put in place.

Ms Rounding: As I indicated previously, I would be happy to disclose if there were a situation where I felt there was potential for someone who might not be familiar with the situation thinking there was an apprehension of bias. At the beginning of a hearing I would definitely disclose that situation as I have done today. I frankly welcome the situation today because it gives us an opportunity to discuss these issues.

Mr Jordan: From your general knowledge of the work of the board, how frequently would you see having to excuse yourself from the decision-making process?

Ms Rounding: As I said before, I do not see myself having to excuse myself from the decision-making process.

Mr Jordan: May I ask you some questions relative to the board itself, the functioning board?

Ms Rounding: Certainly.

Mr Jordan: In this year's report, regarding Ontario Hydro's rate increase, the board stated, "The board recommends that Hydro integrate cost-control measures into productivity programs and pay for performance enhancement in order to improve its cost control."

Earlier this month I asked the Minister of Energy, in a statement in the House, to conduct a thorough review of the operation, maintenance and administration budget. The board has suggested that the OMA and capital budget for energy substitution should not be increased for 1992 and that instead the money should be reallocated to the programs which generate the highest dollar per megawatt. Do you have any other suggestions on that relative to decreasing the size of that budget for operation, maintenance and administration?

Ms Rounding: I think one of the things the minister has already indicated he is going to refer to us is the issue of salaries. When I was preparing for this hearing and

taking a look at some of the Hydro decisions, I was amazed to find that 30% of the revenue requirement is directed towards staff compensation. That is quite a large amount. The board will be looking at not only executive salaries but all the staffing levels and levels of compensation. It has in the past, but there is a particular emphasis requested for this coming year. If I were to be at the board, we would make sure we explored that area very carefully.

Mr Jordan: But the chairman has stated that the "reports stating that Hydro is overstaffed and that Hydro employees are overpaid are 'unfair and uncalled for.'"

"It's one thing for my salary to become a political issue," stated the chairman, referring to the recent government decision to have the Ontario Energy Board review the salaries of Hydro's senior executives. 'But it's quite another to have that carry over into criticism of all Hydro employees.'"

Ms Rounding: I cannot speak for the board, because I have not been there, but from what I have read in the decisions, it appears as though this issue has been raised more than once in the last couple of years. There has been some concern that the staffing levels were high—I believe there were targets for each year to keep the hiring to—and there is also concern that the levels of compensation were higher than comparable positions in the private sector. Although he may say it is unfair, I think it is something we are going to have to examine again in detail.

Mr Jordan: It has been clearly pointed out to the people of Ontario that this moratorium by the government on nuclear generation has, you might say, frozen a whole department of Ontario Hydro. The public is wondering what has happened to those staff members. Surely with their expertise and technology they are not being used to distribute light bulbs or some silly function such as that, costing the ratepayers another \$7 million. I would be interested in your comments on these people with the expertise to perform relative to nuclear energy. I understand they are now being used on simple conservation programs because that is where the money is available.

Ms Rounding: I am not familiar enough with the operations of those staff to be able to comment, other than to say I hope Hydro would make sure that if it is redirecting them into another area, their skills would be properly utilized.

Mr Jordan: The Municipal Electric Association has recommended that an audit be done to consider the numbers of management staff and the salaries paid. Do you know if Ontario Hydro has initiated any activity on this?

Ms Rounding: I do not know whether they have initiated activity. I know the board did recommend in HR 20 that a management audit be conducted.

Mr Jordan: Do you as an individual feel that 30% is high?

1100

Ms Rounding: I am not in a position to say right now. As I indicated when I read the materials, it leaped out at me; but without knowing everything that makes up the revenue requirement of Ontario Hydro and having figures before me, it would be difficult for me to comment

whether that is high or not. As I indicated earlier, it is certainly something the board has commented on in the past. We will be looking at it again.

Mr Jordan: How much direction does the Ontario Energy Board take from the Minister of Energy?

Ms Rounding: As you know, in the Ontario Energy Board Act there is not a policy directive provision as there is with some other boards, such as the Ontario Municipal Board. Therefore the board, based on a number of well-known cases, such as the township of Vespria and Innisfil case, is required to follow government policy but it is not bound by government policy.

Mr Jordan: But do you not see that Bill 118 is going to change that relationship? If the bill proceeds, the Minister of Energy will in fact have the power to direct the board.

Ms Rounding: If Bill 118 proceeds with regard to Ontario Hydro matters, yes, the government will have power to direct and the board will enforce whatever policies of the government refer to Ontario Hydro.

Mr Jordan: So the freedom of the board to assess, evaluate and make a decision is going to be seriously affected?

Ms Rounding: I do not think so. If there is a decision made by Ontario Hydro as a result of a government directive, I think the board will have to consider that. Last year the board, with regard to some concerns raised with regard to the Rio Algom and the Elliot Lake situations, indicated that it was important that Hydro indicate to the government any impacts policy directives would have on Hydro customers. That having been said, I think if Hydro does that, then the government, when it gives a direction to Hydro, has taken into account the impact it will have on the customers, which is what the board is concerned about.

Mr Jordan: I can understand that is perhaps how it should work, but in actual fact, with the power given to the Minister of Energy bypassing the Legislature, it is not a statement any more; it is going to be a directive to Ontario Hydro. So as you have previously stated, the board would not have power to override a directive from the Minister of Energy. Is that correct?

Ms Rounding: That is correct.

Mr Jordan: The president of Falconbridge stated that the "ongoing uncertainty over energy cost and supply is the biggest issue industry in this province is facing. Bigger than any. Bar none." What comments can you make regarding future power supplies in Ontario, taking into account the government's moratorium on nuclear expansion and Ontario Hydro's conservation programs?

Ms Rounding: There are two areas where Hydro is developing programs to deal with this. One is non-utility generation. They are putting a great deal of emphasis on this. The board has asked Hydro to develop a program to assess the cost-effectiveness of those programs to make sure they are getting the maximum development of the non-utility generation. Also, its energy conservation programs are going to be very essential to reduce that demand in the future, because even without the moratorium on

nuclear development, there is still the problem of the lack of nuclear capacity; that is, the nuclear facilities are functioning at only 60%, I believe, rather than the expected 80% of capacity.

Mr Jordan: Yes, but I believe those figures have been reviewed and are actually in the 75% range. Those were the figures given to me recently. Pickering, for instance, had dropped from the 75% range into the 60% range and, following retubing, had come back to the 75% range.

We still have the problem of sitting down with industry, which is very uncomfortable with the present uncertainty of supply. We all accept conservation. I do not think anyone is against conservation in a reasonable method of application, but to try to actually convince industry, "Rather than build a generating plant, I can conserve enough to feed new industry. Go ahead and expand your plant. We can supply you at a reasonable rate," that guarantee is not coming across in the boardrooms. As stated by the president of Falconbridge, it is one of the major concerns of industry in this province. It was electricity at cost with a dependable supply that made Ontario an industrial province. We can see it turning around very quickly today and we are being reminded daily that this is one of the major reasons. Do you have a comment on that?

Ms Rounding: It is obviously a difficult problem. Whatever means you choose to increase the supply, there are always problems attached to it, whether it is cost problems or environmental problems. So there is no easy answer to increase the generation. I think that is why the emphasis on energy conservation. There is concern as to whether Ontario Hydro is going to be able to make those targets. The board is doing everything it can to use the most cost-effective programs in terms of designing its demand-side programs.

Mr Jordan: When using the term "cost-effective," we must include the giving of confidence to the people, the users. We cannot just assume this is going to be cost-effective because we use the term, "A kilowatt saved is a kilowatt made." What about the kilowatt that is not sold? If you just transfer 700 megawatts from one form of generation to another, that is not conservation, that is just using another source to provide the generation. We are looking at an increase in CO₂ emissions. By the year 2000 we had planned to have it capped and now we are turning around and looking at ways of generating power that are going to increase CO₂ emissions, in my opinion. We are putting aside another method which was the most benign to the environment of the group. Do you have any comments relative to that?

Ms Rounding: I think there is always an environmental impact from any method you use, as I indicated before. There are certain technologies now that are reducing CO₂ with the use of clean coal and so forth. I think it is a balancing act to determine which is going to be the least environmentally sensitive. I do not think you can choose one over the other.

Mr Jordan: Would you be in favour of planning for a base supply of electricity for the province, leaning towards the surplus side rather than the other side, where you are

not only forced to conserve but where we could be facing shortages of electricity? Would you be in favour of developing an electrical industry where we made sure we had enough to reach our peak demand, and if we had a little spinning reserve, on off-peak periods we could market that reserve as an income to the utility?

Ms Rounding: I think that is really an issue that is not properly before the Ontario Energy Board. This is an issue that is before the Ontario Hydro demand-supply plan hearings. Those are the sorts of issues they are grappling with right now and I would leave it to them to come to conclusions on that issue.

Ms Carter: I am going to give you credit for being your own person. I do not think we are going to resolve all this conflict-of-interest stuff here. That is something women in particular need to get clarified.

I am interested in how you perceive the role of the energy board. Is it something that is there just to carry out government policy or do you see it as having real quasi-independent, decision-making powers, where you would look into questions and, on the evidence, come up with decisions and you would stand by those decisions because you felt in the circumstances they were correct? In other words, should it be part of a system of checks and balances where the power over our provincial energy decisions is not all in one place but is distributed between the ministry, the government, Hydro, the energy board and so on? If that is your view, do you see yourself needing some vision as regards energy matters in this province? If so, could you give us some idea as to what that might be? Then I have another supplementary after that.

1110

Ms Rounding: We have to remember that this is a quasi-judicial board and its prime function is mandated by the Ontario Energy Board Act, and that is to set rates. It is not a policy-making board. It will follow government policy, but it is not a policy-making board. We have to keep in mind that when we sit, we are sitting in a quasi-judicial capacity, so I do not feel it would be proper for the board to take an initiative; it is up to the government. If the government has a policy it wishes to have implemented, then the board will follow that, but I do not think it should be the board that takes the initiative in making policy.

Ms Carter: I see. You say its power is rate-setting, and of course that is true in the gas industry but it is not true as regards Ontario Hydro. I know it comes before the board and the board has a review, but it does not make the final decision. Do you have any opinions on that?

Ms Rounding: The role the board plays is always a very difficult one. It is trying to balance a number of competing interests, and as I indicated in my opening statement, there are more and more interests now to be accommodated. It has always been a difficult juggling act to determine which public interest is the prime one at any given time. We have to try and accommodate all the concerns that are raised before the board, and that is not an easy thing to do.

As we move into the future, certainly other issues are before the board. On the gas side for instance, there will be

an integrated resource planning hearing coming up soon and I think the board will have to grapple with a lot of the things that you are raising within its mandate. There is a question as to whether the board has jurisdiction to get involved in integrated resource planning or not and that may be one of the things it is looking at, but there will be a delicate balancing act in terms of looking at demand-side issues and supply issues and taking into account the broader issues such as the environment and societal impacts.

Ms Carter: Do you see the board as what you might call a source of expertise? Even if it is not setting policy, it has the staff and the expertise to look into certain problems and at least advise the government.

Ms Rounding: That is correct.

Ms Carter: On that basis, there are just one or two things I would like to ask you. For one, do you see the free trade agreement as limiting our jurisdiction in any serious way? I know this is only a province; it is not the federal government and we cannot change that directly, but it does affect quite directly the kind of powers the government and the Ontario Energy Board have. I am thinking particularly as regards gas. We have no control over export decisions, pipeline decisions, that kind of thing, or even how the pipelines are paid for. Could you enlarge on that?

Ms Rounding: I am not sure, Ms Carter, that it would be appropriate for me to make a comment on that sort of issue.

Ms Carter: I see. My colleague Mr Jordan raised some broader questions about energy supply and what we are looking at in this province. I disagree with you; I do not think the nuclear power stations are doing better than 60% at the moment. But of course when we look at nuclear power, it is not just a question of how well it is performing—and as I said, that is poor—there is also the question of the expense it has got the province into, which, combined with the poor performance, is becoming quite a serious problem I would say.

I just wonder what ideas you have on that. How much do you feel we can achieve through efficiency? The main thrust of our policy is that, rather than generate new electricity in the future, we are going to try and get the same results, the same heat and light and everything else, by using less. I wonder what thoughts you have on that, whether you have any thoughts on renewables as a part of the future scenario, and a little bit about the whole energy picture.

Ms Rounding: It is a difficult issue. With regard to renewables, I think that is something the Ministry of Energy is looking at. The whole issue of conservation is one I am not really in a position to speak to at this stage, in the sense that I have reviewed the board decisions but have not sat in on a hearing. I realize there are some concerns as to whether one can actually conserve as much as Hydro is hoping to conserve. I think there is an appreciation that it must concentrate its efforts in the areas where it is going to achieve the most conservation for the least cost. That is going to be very important in the future. We have to remember that in Canada, and I guess in Ontario, we are one of the highest per-capita energy users, and so I think there

is a lot of education of the public that can be done out there.

We have seen very recently that the public has begun to pick up on recycling. They picked up on that more than people thought they would. There does seem to be an interest in conserving. What we need to do is recognize that and somehow get to the public on the issue of energy conservation, if there is a way to make them more aware that when you leave a room, turn out the light. In Europe you would never find somebody leaving a light on in a room when he leaves it. I think there is a consciousness-raising that needs to be done. If Hydro, the government and others can do that, I think they will be a long way towards the success of energy conservation programs.

Ms Carter: Would you agree that includes industry and commerce as well as individual householders, who are actually only a fraction of the problem?

Ms Rounding: Yes, we all have to work towards it.

Mr Marchese: I just have one question. I am satisfied with the steps you and your spouse have taken in removing apprehension of bias. Nevertheless, I still think, and I think you will agree, that many believe there is still a perception of bias to be dealt with. Many would run away from having to deal with the kinds of questions Mr McGuinty raised, because it does put an emotional strain on people to have to deal with that issue, even if you have already dealt with it appropriately with the steps you have taken. In that context, why are you still interested in being the chair of the Ontario Energy Board?

Ms Rounding: That is an interesting question. I began to wonder.

I think I am still interested. This has been an opportunity to have the air cleared, to have a public airing of the issue of apprehension of bias, and to indicate to you, and hopefully to others, the steps that I intend to take. I will not say it has dealt with the issue once and for all, because as I indicated before, it may come up in the context of a specific hearing, but I would be happy to deal with the issue at that time. I think in reality it will not be a big factor. In the day-to-day work that I will do before the board, I think I will find it just will not come up.

Mr Wiseman: That is interesting. You led into my question, because I am really interested in the day-to-day working of the board and the role you are going to play within that context and how you are going to deal with that. How many members are on the panel? When the panel sits, how many people are there?

Ms Rounding: Usually we sit as a panel of three. Sometimes we sit as two if there are not enough members, but it is preferable to have three in case you get into a tie situation.

Mr Wiseman: How many people would be available to sit on these panels? How many could be sitting at the same time?

Ms Rounding: There is a problem right now because the board is short-staffed. I believe they have three vacancies. It is creating difficulty for them in terms of getting

enough panels and having conflicting hearings going on at the same time.

Mr Wiseman: In case of a tie, how would the decision-making process take place after you have heard all the evidence? What would happen? What would be the procedure?

1120

Ms Rounding: As you know, on a rate case there is no one issue. There are a series of issues that need to be decided and, at the end, if you take a look at a board report, you will know that after each section there is the position of each party on an issue and there are the board findings on an issue. There are a series of issues that have to be decided throughout a report. It may be as many as 50 issues—that is just a guess—but it depends on the nature of the hearings. It is a question of weighing the evidence and looking at both sides of it and coming to a consensus on each of those issues.

Mr Wiseman: A consensus, which means the decision would be made by all three.

Ms Rounding: That is correct.

Mr Wiseman: If there was a dissenting voice, then that voice would be overruled by the other two. Would that be the case?

Ms Rounding: Yes. I am not sure there has ever been a dissenting decision in an Ontario Energy Board case.

Mr Wiseman: So in fact it would be very difficult for you as an individual to make your weight any greater than the other panel members.

Ms Rounding: That is correct.

Mr Wiseman: Okay. Now, as the chair of the panel, would you be voting on all matters or would you only vote in cases of a tie?

Ms Rounding: It would depend on what hearing I was sitting on. Obviously, as chair of the board I will not be able to sit on as many hearings as other members would. We have to keep in mind, many of the hearings that are before the board are not necessarily decision-making hearings. For instance, the integrated resource planning hearing, when it comes, will probably be a policy or advisory hearing, and there are a number of generic issues that are referred to the board by the government where the government is looking for recommendations.

I do not think I would call it voting on an issue. There is discussion and coming to a consensus. Very seldom does it come to a point where people declare themselves one way or the other on an issue. The board has to think through the arguments about the parties and weigh those very carefully, so it requires some discussion on the issues.

Mr Wiseman: How would the panellists be determined in terms of who would listen to which cases? Would it be done on the basis of the individual expertise of each panellist or would that just be an arbitrary, random type of assignment?

Ms Rounding: It is a combination of both. Because the board is so short-staffed right now, it is very difficult. Whoever is available takes the next case that comes on,

and if there are two hearings at the same time, it does become very difficult. But the Chair would make the ultimate decision on who would sit on which panel.

Mr Waters: I find this one of the most interesting hearings we have had. This is the first time I can recall where the interest has been with the spouse and not with the person coming before us. Seeing as how we have spent so much time dealing with the spouse situation, I would ask just one question. I do not think anybody has actually asked you what qualifications you bring to the board that make you feel you should have this appointment. I think it is important that we have that on record.

Ms Rounding: Thank you, Mr Waters. I might dare to say that those who have raised concerns about my nomination for this chair position know very little about me and my qualifications. The main thing they know about me is that I am married to Ron Atkey, which seems to be the biggest problem.

If I turn towards my qualifications, I think I covered them fairly extensively in my opening statement. My background has been focused on administrative law since joining the government in 1980. I have sat on two administrative tribunals, the Commercial Registration Appeal Tribunal for a brief time in 1980 and the Ontario Energy Board for three years. I have also had considerable management experience in the last four and a half years with the Ministry of the Attorney General. I have taken quite a lot of pride in the fact that I have been able to introduce management techniques in two branches of the Ministry of the Attorney General that have been considered progressive and have made, I hope, differences in terms of the quality of legal services we provide to our clients.

Mr Waters: That was basically my only question. I wish you well in whatever endeavour and in the outcome of this.

Ms Rounding: Thank you, Mr Waters.

The Chair: The government party has about four minutes left in its time allocation.

Mr Hayes: Ms Rounding, there is one question here dealing with pay equity. For example, I am wondering what role would you play, or do you think you could play a significant role, in your dealings with companies in achieving that goal? As you know, this government is certainly very serious about pay equity.

Ms Rounding: First of all, thank you, Mr Hayes. I am a firm believer in employment equity. In the management positions I have held recently I have tried to outreach to the underrepresented areas. For instance, in the legal stream the aboriginal lawyers are underrepresented and in my present office we deal with native issues quite a bit in civil litigation. We contacted every aboriginal lawyer in the province to see if he or she might have an interest in joining our office. The outreach to the underrepresented groups is very important to me.

Are you referring just to pay equity or more broadly?

Mr Hayes: I am sorry, I should have said "employment equity."

Ms Rounding: I interpret it more broadly in terms of employment equity, pardon me. But until the government brings in legislation that would mandate employment equity in the private sector, it would be difficult for me as a member of the board to enforce that with regard to the utilities. But I think there would be certain steps you could take really to encourage the utilities to be mindful of it. You could require information in your hearings asking them to indicate what steps they have made in the direction of employment equity, and in the same way you could make sure they are enforcing pay equity principles as well.

The Chair: That concludes the questioning, Ms Rounding. Thank you for your appearance here today. We wish you well.

Ms Rounding: Thank you very much, Mr Chairman.

The Chair: Before I call our next witness I want to take this opportunity to introduce our clerk for the next three weeks, Nicole McMillan. Nicole is currently clerk for the foreign affairs committee of the Canadian Senate. They are dealing with the issue of free trade with the United States and Mexico, as some of you are aware. She has spent the bulk of her career since 1978 with committees of the Parliament of Canada and is currently with the Senate. Nicole is participating in an exchange program. Our clerk, Doug Arnott, is filling in for Nicole on the Senate committee in Ottawa. Nicole will be with us for the next three weeks and we welcome her to the committee.

Clerk pro tem: Thank you. It is nice to be here.

Mr Wiseman: Mr Chair, while we are waiting I would like to put a motion on the floor to change Carmer Sweica's originally scheduled date from December 4 to November 27.

The Chair: If you do not mind, Mr Wiseman, I knew that was coming up and I would appreciate it if we dealt with that in the subcommittee report. That is part of the subcommittee report, and I think we can handle it then.

LILIAN YAN YAN MA

The Chair: Our next witness is Ms Lilian Yan Yan Ma. Would you come forward, please? I hope I pronounced your name correctly.

Ms Yan Yan Ma: That is correct.

The Chair: Welcome to the committee. Do you have any brief opening comments you would like to make before we get into questioning?

Ms Yan Yan Ma: No, you can proceed with the questions.

The Chair: You were selected for review by the third party. I will ask Mr McLean to begin questioning for a maximum of 10 minutes.

Mr McLean: Did you make an application? On what basis did you make it? Were you notified that there was an opening?

Ms Yan Yan Ma: Yes. I was notified there was an opening. My name was put forward by the group I have been working for as a volunteer for over 11 years.

The Chair: Can I ask you to speak up a little bit?

Ms Yan Yan Ma: Yes. Can you hear me? Sorry. I have to sort of lean towards this thing because I am so short. Can you hear me better now?

Mr McLean: That is good.

Mr Grandmaitre: We do not see you.

Ms Yan Yan Ma: You can choose either one or the other. As I said, I was a volunteer for this community group I have been working with, and the group has traditionally been recommending names for appointment to boards, commissions and agencies for various levels of the government, and it has been doing it on an ongoing basis.

Mr McLean: What is the name of that board?

Ms Yan Yan Ma: It is the Chinese Canadian National Council.

1130

Mr McLean: Right. Were they asked by the government to submit names?

Ms Yan Yan Ma: I am not aware of whether they have or have not been asked specifically but, as I understand, the council has been submitting names as a matter of routine because we have been asked by governments before, like for the past 10 years.

Mr McLean: Are you familiar with the Liquor Licence Act at all?

Ms Yan Yan Ma: Yes. I have taken a look at it, yes.

Mr McLean: The chairperson of the LLBO had a discussion before this committee dealing with special occasion permits and she recommended there be testing for servers for special occasion permits. Do you agree with that assumption?

Ms Yan Yan Ma: I suppose education for the servers is always a good thing. Education of the people of Ontario, and the servers in particular, that consumption in moderation is a desirable thing is something we have to have. However, I am not so sure how it could be carried out. The method, I guess, is the thing I would have to look into before I could take a position on that.

Mr McLean: Special occasion permits are ones that are just got for one function mainly. I guess some organizations, whether it be a Kiwanis Club or a Rotary Club, that wants to get a permit for a special function may apply for that. But for some organizations that want to have just one in five years, for them to have to supply a server who has had a course may be a more difficult thing to do.

What do you think about beer being served in Maple Leaf Gardens?

Ms Yan Yan Ma: So you are switching from special occasion permits to a permanent outfit. I understand that when people go to apply for special occasion permits they are now given some sort of pamphlet or some educational material. So to a certain extent that education purpose might be achieved through that.

In terms of permits in stadiums—is that the question now?

Mr McLean: Right. I made it specific so it would be easy.

Ms Yan Yan Ma: Right. I am not aware of whether or not they are serving liquor in Maple Leaf Gardens now.

Mr McLean: No, but would you be in favour of their serving beer in Maple Leaf Gardens?

Ms Yan Yan Ma: You would have to look at what the application would be like and what the specifics are. As I understand it right now, in stadiums the servers have to be trained. They have to go through some mandatory training for the servers. So you would have to balance the interests of the public if they want to have alcohol consumed in that area, and as to whether it could be carried out in a responsible way. I think you would have to look at it case by case.

Mr McLean: Peter Kormos indicated back in the spring that he intended to eliminate sexism in alcohol advertising. What would your comments be? Do you agree he should initiate that? What is your view of that type of advertising?

Ms Yan Yan Ma: The type of advertising that is a sexist type of advertising? Is that what you are saying?

Mr McLean: Yes.

Ms Yan Yan Ma: I think sexism is probably offensive in all types of advertising, I suppose. But if you are talking about one specific ad or two specific ads, then you would have to look at the ad and decide whether there is a sexist element in that ad or not. I suppose the Ontario Human Rights Commission would be a good place to look into whether it is a sexist or racist type of advertisement, be it any type of advertisement.

Mr McLean: From what you see now, do you think the guidelines should be tighter than they are?

Ms Yan Yan Ma: I am not very familiar yet with the guidelines as they are right now. I would certainly like to take a look at it. It is an issue that is worth looking into, but in overall terms, I would say that sexist and racist advertisements are not welcome in this province.

Mr McLean: Right. One final question: In your position on the board, would you believe that beer and wine in the corner stores would be a good thing?

Ms Yan Yan Ma: I am not so sure on that. I have not even thought about that issue, but I might be able to take a look into that when I am more familiar with it.

The Chair: You have a couple of minutes left, Mr Jordan. Do you wish to ask any questions?

Mr Jordan: Not on this topic.

The Chair: Okay, fine. Mr Frankford.

Mr Frankford: On your résumé it says you were a member of the Drug Quality and Therapeutics Committee.

Ms Yan Yan Ma: Yes, I was.

Mr Frankford: Was this because of your technical knowledge?

Ms Yan Yan Ma: Yes. I have a PhD in chemistry, and I was working with drugs—the design of drugs, the efficacy, the reason why drugs are effective—for 10 years in the biochemistry department at the University of Toronto. I carried out original research in that area. A lot of them

have to do with neuroleptic, psychoactive and Parkinsonism drugs.

Mr Frankford: Was this essentially a technical position, or were you representing the public interest?

Ms Yan Yan Ma: It is both. You would require a very technical background to be on that committee. In fact, all the members of the DQTC, as far as I remember, have a very technical background. They are pharmacists or medical doctors, pharmacologists; in that area. I myself was a biochemist, specializing in drugs. You need that because you have to figure out the applications, whether they actually comply with the technical requirements they have sent to you, and there is lab testing and all that.

Mr Frankford: Do you see any ways in which your experience there is going to help you in this position?

Ms Yan Yan Ma: Yes. In a way, DQTC sort of ensures that the qualities we have in terms of the drugs we have available in the Ontario drug formulary would comply with the criteria that have been set out. So in some sense you are balancing the supplier, the drug company's application, with respect to the government's expenditure and people's accessibility to these drugs. Liquor licensing is in many ways also a balancing act, in the sense that you would be looking at the person who is doing the application. We look at a number of factors that would affect the application, and also we want to ensure that the general public would have convenient access to having liquor served and so on. So in that sense, yes.

Mr Frankford: The approval of licences clearly has an impact on the applicants and businesses, small or large, in a particular area. I am thinking in terms of my riding of Scarborough East, which has a lot of small plazas and small businesses. Have you thought about ways in which you would balance between accessibility, between helping businesses and trying to restrain or limit access to not allow for the overuse in alcohol?

1140

Ms Yan Yan Ma: I believe the way we license or the criteria we use would be, on the one hand, to ensure that there is easy access for people who want to have this privilege and right in Ontario to apply for a licence or obtain a licence but, on the other hand, to comply with the act. There are certain exceptions or certain circumstances in the act that you would have to look into before you could issue the licence as a right or a privilege to them.

The central idea, I suppose, under all this licensing would be to ensure that the service and the consumption of beverage alcohol would be done in a manner consistent with moderation and responsibility. On the other hand, you want to ensure that there is good access for the small businessman.

Mr Frankford: As you look around southern Ontario, have you developed any thoughts about whether there is too much access or too little access?

Ms Yan Yan Ma: I am pretty impartial on it right now. From my personal experience I have not found it to be too much or too little at this point, but I would probably have to look at it some more if I were going to be on the

board. What I am saying now is just as an ordinary citizen. I am not affected in one way or another by the Liquor Licence Act itself.

Ms Carter: You may have partly answered this already, but it seems to me you are a very accomplished person. You have a good background educationally, professionally and in public service. I am just wondering what your particular reason is for wanting to be on this board, what your mission is or what you hope to achieve by it.

Ms Yan Yan Ma: I have always been interested in work with administrative tribunals. As you may be aware, I have quite a diverse background. I have worked hard to get my technical degrees, my expertise in the technical area. I have worked quite a lot with communities and I have always tried to be an advocate for the interests of the community.

What I see in the work with the Liquor Licence Board of Ontario is the broadening of that experience, to be able to make use of what I have had so far in terms of my knowledge and background. On the other hand, I will not be bogged down with a lot of legalese because I have a broad community experience. I believe that type of background can contribute to fair liquor licensing enforcement in Ontario, and that is the reason I am interested in this area. It is a very pervasive area. Liquor licensing affects the lives of many Ontarians. It reaches every corner of the province.

Ms Carter: It is also important that it be absolutely aboveboard and unbiased.

Ms Yan Yan Ma: Yes.

Ms Carter: Just one other point. In Ontario we are trying to encourage the use of food and drink produced in this province or at least in Canada. I was just wondering if you thought there might be any scope to encourage that, to help the Niagara wine growers.

Ms Yan Yan Ma: I do not quite understand. Are you saying the food that is being served?

Ms Carter: We are concerned from an economic point of view in this province that we should use our own products, which obviously do include some liquors. I was just wondering if you had any ideas on that.

Ms Yan Yan Ma: I guess I am not very familiar with this area yet.

Ms Carter: It might not be relevant.

Ms Yan Yan Ma: I might look into it if I am on the board.

Mr Waters: I represent cottage country. We have a major problem in cottage country which is we see the deaths or maiming of a lot of young people every summer. Some of these establishments where they partake of this have been warned for years and I would like to know your opinion on how these people should be dealt with, because it seems to be, shall we say, two or three licensed establishments. Nothing ever seems to happen but every year there are at least one or two deaths as a result of people leaving them. I would like your opinion on how that should be dealt with.

Ms Yan Yan Ma: Are you addressing the area of concern about people who are drinking and boating at the same time? Yes. As I understand it, there has been some amendment to the legislation with respect to that and you cannot now operate a boat at the same time as you are drinking. It is something like, "Do not drink and drive at the same time."

Mr Waters: No. What I am getting at is the fact that these people go to bars. For the most part, a lot of them are even under age. Even if they are of age, they are away over the limit, and this happens habitually year after year with the same bars. Then they go out and they either jump in their car or jump in their boat and leave. It is not so much the alcohol that they consume either in their car or their boat; it is the alcohol they have consumed at this licensed establishment. I was wondering how you felt we should deal with that particular aspect of it.

Ms Yan Yan Ma: Obviously the board would have jurisdiction over the licence of the person who is serving these people you might be talking about. I suppose the board has a mandate to inspect the area to find out what is going on, to see if they had actually been serving minors. That would be a pretty serious offence. I suspect in a case like that the board could exercise a certain power, either suspension or revocation, or attach conditions to their licences.

As to whether the people should be better trained, it could be the board should order that they should better train their servers not to serve people who are already intoxicated. I suppose that might be the reason why—

The Chair: We are two minutes over the time allocation.

Mr Grandmaitre: Just two brief questions: What are your thoughts on the drinking age in Ontario? Should it be lowered or increased?

Ms Yan Yan Ma: I believe the age right now is 19. If there are any particular reasons why we should lower or increase it, then I would be happy to look into that. Unless there are some particular problems that you could think of because 19 is not a suitable age, then I suppose we should look into that, but as of now I am not aware of any particular reason.

Mr Grandmaitre: You say you are not aware. Are you not concerned about the number of teenagers who are being killed on our highways every week because of alcohol and drugs and so on? Do you not think that is a good reason to review this?

Ms Yan Yan Ma: I am concerned, yes. Of course I am concerned. The question is whether the age of 19 being used right now as the standard is the cause of that or whether these teenagers who may be 17 or 18 years old have been drinking. It is not that the rule of 19 is the problem but the question is—

Mr Grandmaitre: Is it being enforced?

Ms Yan Yan Ma: Yes.

1150

Mr Grandmaitre: One last question, Mr Chair. What about hours of business, bars, hotels and so forth, in Ontario?

Do you think we should have shorter hours or longer hours of doing business?

Ms Yan Yan Ma: I have not thought too much about that, whether it has to be tied to licensing or how it should be looked at.

Mr Grandmaitre: Thank you.

The Chair: Doctor, thank you for your appearance here today. We appreciate it.

Ms Yan Yan Ma: Thank you.

The Chair: Good luck.

MARGARET PITAWANAKWAT

The Chair: Our next witness for a half-hour review is Margaret Pitawanakwat. You have been selected for review by the third party. This is a half-hour review, 10 minutes to each party. Do you wish to say something briefly before we get into questions?

Ms Pitawanakwat: No.

The Chair: Mr Jordan, do you have any questions to lead off? I know this is putting you on a spot as a substitute on the committee.

Mr Jordan: I have not had the proper time to prepare. It is your desire to serve on the Board of Parole, no question about that. I would like you, if you do not mind, to give me some idea of your qualifications and your interest in wanting to serve in that capacity.

Ms Pitawanakwat: I want to work in something in which I am dealing with native people. There are concerns of native people I would like to be able to voice. The cultural aspects of the native people is one area where I feel I can help.

My qualifications are that I have a general BA. I just graduated this year. I have some background in administration. I have been the administrative assistant to the director for a native halfway house in Sudbury and I have done a great deal of volunteer work. I do not think it is listed on my résumé, but from the time I was a small child my mother brought me along to work in the church, and from that time on I have worked a great deal and have chaired meetings and prepared workshops. I occasionally still prepare workshops for cultural views.

Mr Jordan: Given the rate of—I would not want to say failure—but the rate of crimes being committed where decisions for parole have been made, and where hardships have been brought to the community in some instances by decisions to allow parole, do you feel the criteria at the present time should be reviewed so that more information is sought before a decision is made to release the individual to the community?

Ms Pitawanakwat: I have not really thought about changing the criteria. I had not considered that. I feel, though, that if the criteria are looked at by the board, the chances of an individual getting out who will then be an undue risk to re-offend or to society should not happen. Perhaps the information the board uses, that is, its record, the pre-sentencing record, the institution liaison officer's report, could be more elaborate, but then you are looking at money and time. You are the individuals in the govern-

ment who have the opportunity to allocate more money or individuals so that we have more information.

Mr Jordan: Do you feel the victim of the original offence should be contacted and advised that parole is being considered for this individual?

Ms Pitawanakwat: I think it would be good for the victim to know the person is out on parole, in consideration of his or her safety.

Mr Jordan: It is my understanding that at the present time the board is made up of one permanent person and two part-time. Is that correct?

Ms Pitawanakwat: That is correct.

Mr Jordan: Do you feel that is the proper experience, to have that trio of two part-time and one permanent staff doing the reviewing?

Ms Pitawanakwat: Again, this is the first time I will have worked on the board. I have not really considered making changes at the moment or looking at what could be appropriate changes, so I cannot answer that.

Mr Jordan: Sometimes it appears that because of the crowded conditions in our institutions, perhaps when they come forward for parole there tends to be a leniency towards allowing the parole. This is just an observation. We do not have the institutions to keep everyone for the full term of his or her sentence, so there is a certain amount of pressure on the board as the person comes up for parole. I would like to hear your comments on that.

Ms Pitawanakwat: I do not believe in making a decision based on the financial aspects or whether our institutions can keep the inmate in. I believe you have to look at the criteria that are given to you. That is, you are considering the whole community, you are considering whether or not this individual has got maximum benefit from his incarceration, and whether it is going to help that individual if he or she is placed on parole, not for financial reasons.

Mr McLean: Do you believe the one-third term of a sentence being served is long enough, or should it be half your term before you are eligible for parole?

Ms Pitawanakwat: I think that rather than one third or one half of the term, if there are to be changes made, it is to the length of the original term to begin with, that is, it is the sentencing that could be longer. If we feel an individual is not going to get maximum benefit within that one-third time, then our laws should be stricter in terms of sentencing.

Mr McLean: Two years less a day, I guess, is what most provincial courts give.

Ms Pitawanakwat: That is right.

Mr McLean: One third is what it is before they can have an assessment or evaluation by the parole board as to whether they should get out or not. Do you believe one third is a long enough time before they are assessed, or should it be half their sentence?

Ms Pitawanakwat: I think they should be assessed as soon as possible. The reason we are placing these people in prison is because they have done something to society. That means they need to have help in terms of changing, in

terms of rehabilitation. They should be assessed as soon as possible so they can be helped. The reason an individual would be placed on parole is if his or her rehabilitation would be helped in the process.

Mr McLean: Have you ever had an opportunity to talk to some parole officers?

Ms Pitawanakwat: Yes. When I worked at Newbery House under the National Parole Board, I worked closely with the regional parole office in Sudbury.

1200

Mr McLean: Really the question I want to get at is, do you think that those parole officers have had enough experience, enough training, and do you believe they are doing justice to that individual once he is on parole?

Ms Pitawanakwat: I do not know about every parole officer, but the people I dealt with there at the Sudbury regional parole office I felt were very reasonable, open and considered the inmate.

Mr Frankford: Could you share your observations about the contribution of alcohol and maybe other drugs to criminal activity in native communities?

Ms Pitawanakwat: Native communities? There is a great deal of it. I really do not know what else I can say about that. There is a great deal of alcohol involved in many crimes, and not only in the native community.

Mr Frankford: Is it a cause, and should we be doing something about it? Should we be doing more about it?

Ms Pitawanakwat: Certainly we should be doing something about it, a lot more. A change that could be made in terms of how we are dealing with society is to help them before they get into trouble, that is, to rehabilitate them or to help them in programs. If alcohol is a problem, then certainly we need to have more programs to deal with that problem at the source.

Mr Waters: A couple of things. I am looking at a background paper we have on the northern region. I look at where you have to travel, and I am wondering whether you feel that it is adequately covered by the parole board as it is now.

Ms Pitawanakwat: I do not know. I have been to one hearing that I sat in on so that I could see what they do. It takes two days for a hearing of, say, fewer than 10 people. How much time is required to cover all of these areas? Of course it is travel by plane.

Mr Waters: There are 11 facilities ranging from Kenora down to Parry Sound. When I look at some of the other areas that are somewhat closer together, this is a lot of long-distance travel. I was curious about that and also about the fact that you are dealing with people for whom, as Mr McLean indicated, two years less a day is the longest sentence they can receive. Do you think we should be doing more while they are in the institution to deal with their problems and maybe assist them with education or whatever? Do you think we are doing enough work on that at present, or should that be increased?

Ms Pitawanakwat: No, I do not think we are doing enough for the individuals. Again, these individuals have

problems. They have social problems. They have problems relating. Part of the difficulty will be that when they come out, they do not have any means of support. They are going to have a hard time getting jobs because of the fact that they have a record and a lot of the people who are in prison are not educated. I think that is a good point and I think that is something that could be worked on. Everything could be worked on.

Mr Waters: Do you think we are moving towards a better way of dealing with the people from the native community who end up incarcerated in assisting them in some of their specific needs? Is there a better way of dealing with not only the native community but also a lot of the different ethnic communities? Our laws are based on white-Anglo-Saxon-type rules. Do you think maybe we should, shall we say, expand our horizons and look at things from different angles?

Ms Pitawanakwat: I think there is some progress being made in terms of trying to help native inmates or to have an understanding of the differences that there are at this point in time. I know they do have some different sets of rules in terms of using the elders in a community way up north, and I think that is very good in terms of trying to find some way to balance your culture and our culture.

Mr Hayes: Of course, drugs and alcohol have a great effect on some of the crimes. We know that for people who have an addiction problem, when they are up for parole and then they go out back into society, there is often no help for them out there or they do not know how to get that help. My question really is, very briefly, do you feel that we should be looking towards better treatment programs for people with drug and alcohol abuse problems within our correctional institutions, to help rehabilitate those people before they are put back out into society?

Ms Pitawanakwat: Yes, if it is possible.

Mr Wiseman: My question has to do with education and what you were commenting on that. Given that there is no way to force an inmate to take a course or to participate in a rehabilitation program, do you have any ideas on how you can get them to take these programs? I am really quite interested in this. I do not know if you know I am the parliamentary assistant to the Minister of Correctional Services. This is something we are trying to grapple with and any insight you can give me at this point would be most welcome.

Ms Pitawanakwat: Is that for any inmate or for native people specifically?

Mr Wiseman: I will take any insight you can give.

Ms Pitawanakwat: You are correct in saying there is no way of forcing someone to take a program. If you do tell them, "You have to take this program if you have any intention of going on to parole," that is still forcing them, and they are going through the program but they are not gaining from it. In the places where I have worked in alcoholism counselling programs, you can only be there to support the individual, to have that there for him, and it is entirely up to him. I really do not have any insights.

What I have insights on is not so much for the individuals who are in the system now, but to change the educational system so that minority groups have more freedom to be able to get through the educational system, because one of the things I learned by taking sociology is that it is geared entirely to middle-class society. I think the changes that have to be made are overall changes in terms of viewpoint and attitude, and the children are the individuals we can work with, to make changes.

1210

Mr Grandmaitre: Margaret, I will not hazard your second name. You were one of nine people who applied for this position, and luckily for you, you were interviewed. By three people?

Ms Pitawanakwat: No, four.

Mr Grandmaitre: Four? It was not three?

Ms Pitawanakwat: No. There were three ladies and the vice-chairman.

Mr Grandmaitre: The vice-chairman of the parole board?

Ms Pitawanakwat: Of the northwestern region, yes. The vice-chairman there.

Mr Grandmaitre: Were they all members of the Ministry of Correctional Services or the parole board?

Ms Pitawanakwat: Of the parole board.

Mr Grandmaitre: I see. By the way, congratulations on your BA. There was glee in your eye when you said you had just graduated.

Ms Pitawanakwat: Yes. I was quite happy to graduate.

Mr Grandmaitre: What are your thoughts on native self-government, and should natives be responsible for their judicial system?

Ms Pitawanakwat: As I have said, and I studied the sociology of education, I learned that we are winnowed out very early, and without education I do not think native people have the expertise to be able to have self-government. Therefore, I do not think self-government would work at this point in time. Your other question was?

Mr Grandmaitre: The judicial system: Should you have your own? I suppose if they are not ready for self-government, they should not be responsible for their judicial system.

Ms Pitawanakwat: Again, I believe in a whole. I believe the changes that have to go in terms of native society have to come from an overall, that is from your society, and that changes have to be made so that minority groups are allowed in terms of viewing them in their culture and their points of view. If there are changes that should be made I think it has to come from your system.

Mr Grandmaitre: Do you think there is any discrimination right now in the parole board system against native people?

Ms Pitawanakwat: I have never run across it myself but I would imagine that there is, knowing, as I grew up, the amount of prejudice that was levelled towards me.

The Chair: Thank you very much, Ms Pitawanakwat. We wish you well and thank you for appearing here today.

The next matter on our agenda is the report of the subcommittee, which includes the selections for review by the subcommittee and the selections of agencies for potential review during the break period. I know we are going to have a motion. Usually we do this by unanimous consent. Since I was contacted by a government member and I know Mr Wiseman has a matter he wants to raise as well in respect to this, I am going to ask for a motion to accept or adopt the subcommittee report and then Mr Wiseman can move an amendment to it.

Mr Wiseman: Prior to that, should we not be doing the determination of whether the committee concurs on intended appointments?

The Chair: Yes, you are right. My apologies.

Do we have everyone's attention on this? Do we want to concur with the appointments reviewed today or does any member wish to delay the motion in respect to the reviews today?

Mr Marchese: I move concurrence.

The Chair: I cannot do that without agreement here.

Mr McGuinty: With respect to Ms Rounding, in light of the fact that first of all we are dealing with a very important appointment, and second, given the information she has provided to this committee today, to her credit and to the credit of her husband and the credit of her husband's law firm, I can indicate that without that information I certainly would not have been able to support the appointment. But now I need time to consider it to see if it properly addresses the concerns I have raised and that other parties have raised. I would like to run those by the other parties as well and then come back and decide this.

Also, I think it is important to note that next week the environmental assessment panel will be making a decision on the exact same issue. I think we should allow time for them to make that decision so we will have that before us as well. Armed with that information, we can give a full and considered decision.

The Chair: The official opposition has requested a delay in respect to a decision related to the appointment of Marie Rounding. I gather no one has any objections to dealing with the appointments of Dr Yan Yan Ma and Ms Pitawanakwat. Can we have a motion to concur with those two appointments?

Mr Marchese moves that we concur with the appointments of Dr Yan Yan Ma and Margaret Pitawanakwat.

Motion agreed to.

The Chair: We will deal with the Marie Rounding appointment next week.

Mr McGuinty: I am concerned that the EA panel considering the same issue will not have made a decision until the end of next week, so I am wondering if we can put this over for the week after that.

Mr Wiseman: I do not believe we can do that under the rules.

The Chair: We require unanimous consent to do that. Otherwise it will be in violation of the standing orders, and we do not have that consent.

Mr McGuinty: Just so the government members understand, there is a high-powered panel with tremendous expertise that is going to consider this issue, and for us to say that we are not really interested in—

Ms Carter: Explain.

Mr McGuinty: All right. The environmental assessment hearing which is looking into Hydro's demand-supply plan is now dealing with the very same issue. There is a lady sitting on the panel whose husband is a partner in the law firm which is representing a party before the panel. They are considering this, and that is why the government submitted a 31-page legal memorandum dealing with the issues and setting out the law. The panel has yet to make a decision on that.

One of the members sitting on that is Mr Justice Saunders, a man who sat on the bench for some 35 years. I think it would be extremely helpful to our committee to review that decision once it comes in. What if we decide that we are going to go ahead with this appointment and this panel decides that no, it would not be appropriate to do so. We will be lacking consistency when we could have had consistency.

Mr Wiseman: Within the framework of that discussion, Ms Rounding indicated there had been a further submission by the firm which had in fact, if I remember correctly, indicated that by putting up the walls of silence, they had gone beyond what was required within the law and that if we were to wait for that, we would also have to wait for the further case on Chinese walls of silence. I do not think we need to delay, given that the previous decisions had been that what they had suggested to do with their documents here went beyond what was necessary or even required. I am not convinced of the need to wait for somebody else to make my decision for me.

The Chair: I am not going to allow a debate to continue. I will give the third party an opportunity, if it wishes, to put something on the record in respect to this.

Mr McLean: I do not think it is necessary. I think the rules are there and we are going to deal with it next week.

The Chair: All right. I guess that is the majority view, and we do not have a unanimous opinion in respect to deviating from the standing order.

SUBCOMMITTEE REPORT

The Chair: The next matter of business is the subcommittee report. As I indicated, we have two matters in the subcommittee report, the selections for review by the official opposition and the government party and the agencies for review during the break period, if we are allotted the time by the House leaders. I would like to have a motion to accept the subcommittee report, and Mr Wiseman has an amendment. Could we have a motion to accept it?

Mr Marchese has moved to adopt the subcommittee report. Mr Wiseman has an amendment, I believe.

Mr Wiseman: My amendment is that we move Carmer Sweica from December 4 to November 27 for review.

The Chair: Mr Wiseman has moved an amendment to the report. This is a selection of the government party,

putting Mr Sweica into next week's review period. The implications of this are that the committee would have to either start half an hour earlier or run a half-hour later or try to make some changes to our agenda, which is already laid out in respect to Mr Kruger's appearance or the Canadian Bar Association's.

Mr Grandmaitre: What is the reason for advancing the date to November 27?

The Chair: As I understand it, there is some urgency—Mr Wiseman may want to expand on this—from the board to have Mr Sweica appointed and on the job as soon as possible.

Mr Grandmaitre: I do not agree.

The Chair: It is not a question of agreement; it is a question that we have an amendment, and it is an amendment to the subcommittee report. I am opening it up for discussion if we want to have some discussion. Mr Grandmaitre said he does not agree. Mr McGuinty?

Mr McGuinty: I would be interested in hearing specific reasons.

Mr Wiseman: The reason, as I understand it, is that the board is short-staffed and needs this in order to carry out its work and that the sooner he is appointed, the better.

Mr McLean: The only question I have is, next week, when we are dealing with the other ones who are on the agenda, does our committee have a mandate to start half an hour earlier if it is not in the rules?

The Chair: We can do that by majority vote. The other option, of course, is that as this is a government selection, we simply withdraw it for review and it would proceed immediately. Since it is a selection of the government party and it is making this request—and that is a matter you can consider as well—we would just simply not call the gentleman for review.

Mr Waters: In other words you are saying if we just do not call him for review, he is therefore automatically in this position.

The Chair: That is right; he is your selection. There is a time period, but that ties into whenever we go through the review, so what you are doing actually is moving it up a week or two weeks, if you look at this original schedule.

Mr Wiseman: I move that we waive the review of this particular person.

The Chair: All right, fine. I do not think anyone will have any difficulty with that.

We have an amendment moved by Mr Wiseman to delete Mr Sweica from review. All in favour of the amendment?

Motion agreed to.

The Chair: We will move the original motion moved by Mr Marchese that the subcommittee report be adopted as amended. All in favour?

Motion agreed to.

The Chair: That concludes the regular meeting. Before we adjourn, we have on the schedule for a subcommittee meeting, but we only have one order-in-council appointment coming to us from the executive council. I was going to suggest that we have the subcommittee meeting

next week when we will have this week's cabinet appointments before us as well, so we will have a number of people to look at rather than one individual. Do we agree on that?

Mr McGuinty: Mr Chair, with respect to Ms Rounding's appointment, I believe I am entitled to put forward a motion to deal with that matter in terms of when we can consider it, and I would like to put forward a

motion that we delay this committee's consideration of her appointment until two weeks from today.

The Chair: I am advised the motion is out of order and we would require unanimous consent to have the motion placed. Do we have unanimous consent? We do not. Meeting adjourned.

The meeting adjourned at 1225.

CONTENTS

Wednesday 20 November 1991

| | |
|--------------------------------------|-------|
| Appointments review | A-681 |
| Marie Rounding | A-681 |
| Lilian Yan Yan Ma | A-692 |
| Margaret Pitawanakwat | A-695 |
| Subcommittee report | A-698 |

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A-43 1991

A-43 1991

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Standing committee on government agencies

Agency review

Appointments review

Assemblée législative de l'Ontario

Première session, 35^e législature

Journal des débats (Hansard)

Le mercredi 27 novembre 1991

Comité permanent des organismes gouvernementaux

Examen des organismes
gouvernementaux

Révision des nominations



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Table of Contents

Table of Contents for proceedings reported in this issue appears at the back, together with a list of committee members and other members taking part.

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at (416) 325-7400.

Table des matières

La table des matières des séances rapportées dans ce numéro se trouve à l'arrière de ce fascicule, ainsi qu'une liste des membres du comité et des autres députés ayant participé.

Il existe un index cumulatif des numéros précédents. Les renseignements qu'il contient sont à votre disposition par téléphone auprès des employés de l'index du Journal des débats au (416) 325-7400.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 27 November 1991

The committee met at 1006 in room 228.

AGENCY REVIEW

Resuming consideration of the operations of certain agencies, boards and commissions.

ONTARIO MUNICIPAL BOARD

The Chair: Come to order, please. I see a quorum. Mr McLean has expressed his apologies. He is going to be late arriving today and I am going to recognize a quorum without him.

CANADIAN BAR ASSOCIATION—ONTARIO

The Chair: Our first witnesses this morning are from the Canadian Bar Association—Ontario, municipal law section. Mr Jim Harbell is chair of the section. Mr. Harbell, would you like to introduce your colleagues for the record?

Mr Harbell: With me are four other members of the executive of the municipal law section of the Canadian Bar Association: George Rust-D'Eye, Mary Bull, Karl Jaffary and Leo Longo. Actually, we have our past and current chairs and our vice-chair here, together with two other members of our executive.

The Chair: Welcome to the committee. You have some comments to make, and then we can get into questions.

Mr Harbell: This is our second presentation and appearance before this committee. It is our understanding that we are here now to respond to questions the committee may have arising from the submission we filed with you subsequent to our first presentation. We are very pleased to have been asked back. We are hoping our submission provokes some thought and perhaps a little controversy—that is always a good thing—and we will be happy to deal with any controversy we may have suggested or created.

We have at least one opening matter. The Retail Business Holidays Act has been amended since we were last before this committee and since our submission was filed to you at the end of September. We have some comments with respect to its potential ramifications for the board and the jurisdiction of the board, and regarding some of the problems dealt with in our submission before you. If that is an area of interest, we would be pleased to lead off with it and then respond to any other questions you may have.

The Chair: I think that would be helpful. Please proceed.

Mr Harbell: I will turn it over to George Rust-D'Eye, who has been leading our committee. We filed a submission with the Solicitor General last week, which he will be speaking to.

Mr Rust-D'Eye: Bill 115 has now been enacted into law. As Mr Harbell mentioned, the Canadian Bar Association—Ontario filed a submission to the Solicitor General with respect to the merits of Bill 115. That having been

enacted, it is now a moot point. The issue I would like to address briefly is the impact of the enactment of that law on the workload of the Ontario Municipal Board and some of the characteristics of the provision added to the Retail Business Holidays Act creating new and somewhat onerous burdens on the board itself.

Section 4.3 of the Retail Business Holidays Act now allows any person who objects to a bylaw made by a municipality exempting businesses from the Sunday and holiday closure requirements of the act to appeal to the Ontario Municipal Board. That appeal must be brought within 30 days after the bylaw has been enacted. Subsection 8 of that section now states, "The board shall use its best efforts to decide appeals under this section within the period of time prescribed under subsection (9)." Subsection (9) allows the Lieutenant Governor in Council to make regulations prescribing a period of time.

I think it fair to say that the government, during the debates on this bill, was talking about a period of 90 days as being the period within which the Ontario Municipal Board would have to make a final decision dealing with one of these appeals. It is our understanding that the Ontario Municipal Board has not been given any additional resources to deal with these particular appeals.

It is hard to anticipate exactly who may be the appellants in these circumstances. One might predict they might be competitors of businesses that had applied to be open, religious groups basically arguing that stores generally should not be open on Sundays and labour groups and workers in the actual stores which under the bylaw might be open.

Once the appeal is brought, the board would now be required to use its best efforts—and I am not sure if anyone is quite sure what that means—to bring down a decision within this period of time, whatever it may be. We are not aware of any similar provision dealing with any other tribunal, or of a court requiring a tribunal to use its best efforts to bring a particular kind of proceeding within any particular period of time.

It means the Legislature has basically declared that whether retail business establishments can be open on Sundays is of the highest priority in matters dealt with by the Ontario Municipal Board. It means that while matters involving development charges, major development review, official plan amendments, zoning bylaw amendments or market value assessment all proceed at the normal pace the board would otherwise operate at within its limited resources, these particular matters must immediately jump to the top of the list because they have a finality imposed upon them.

In addition, it appears that under the act as it now reads there will probably be a two-stage process in most of these appeals, both stages having to be dealt with, if the 90 days is inserted into the regulation, within that 90-day period,

because there is a provision whereby the board may hear the parties with respect to the sufficiency of the appeal on a motion prior to a potential hearing.

It is difficult to foresee what criteria the board might be asked to address at a hearing, but I think it fair to say, looking at some of the litigation that has already resulted from Sunday closing bylaws, that it would be very wide-reaching indeed. It could go into the entire philosophy and principles upon which holiday closing laws are based, including polls as to public popularity of such legislation or whether stores in a particular area can compete with American stores. There are any number of issues that can arise.

It is fair to say that in most cases the appellants will bring the appeal. There will then be a cross-application by the municipality, possibly participated in by the area municipality, which will then involve a hearing before the board as to whether it should hold a hearing.

If the board can be convinced that the appeal is insufficient, as the statute now says, it could dismiss the appeal. However, since there would not be full evidence before the board in so far as the merits of the bylaw are concerned, let alone a transcript of any evidence given before the council that had passed the bylaw, I suspect that in most cases the board would have to decide to hold a hearing. Those hearings could take weeks, even longer, to be heard, having had the motion dealt with originally, and all within the arbitrary time period in which the board is required to use its best efforts to finalize appeals.

I am not going to address the merits of the Retail Business Holidays Act, but I think this provision, particularly the two impacts I have just alluded to, will cause very severe problems for the board and for parties dealing with the board in the future.

The Chair: Thank you. We do not have an awful lot of time. I am not going to restrict members from asking questions in that area, but as you know, we were going to focus on the Coopers and Lybrand report and the comments you have made in that respect. If members have some questions related to the Sunday shopping legislation, I will not discourage them.

Mr Grandmaitre: I realize that with the new retail business holidays legislation, Bill 115, a lot of pressures are being added to the OMB. But if this bill goes through as is, do you not think it will also add to municipal budgets? We are putting a lot of pressure on municipalities. I know municipalities were somewhat consulted, but I am sure that the additional cost to the municipal governments was not addressed.

I had the opportunity to speak to a number of municipal councillors and mayors after the recent municipal election and the additional costs to appear before the OMB is a serious concern of theirs. AMO is quite concerned. It seems that the government, the consulting government that is in place, has not consulted sufficiently with AMO and the individual municipalities. What are your thoughts?

Mr Rust-D'Eye: In the brief the Canadian Bar Association submitted, it did comment on the fact that this particular amendment arose after the opportunity had been given to members of the public to comment on the provisions

of the draft statute. It is a very substantial amendment that has been made.

I certainly agree there will be substantial costs imposed on municipalities, particularly since, even up to the municipal level, it may be a two-stage process. Area municipal governments may now apply for these bylaws, so someone applying for a bylaw—and I think this would happen in the case of most two-tier municipalities—may well have to apply to the local government and go through all of the process there, using all of the staff time and all of the research and everything else that would have to be done. The area municipal government could then go up to the region and do the whole thing all over again. The region or Metro could argue the issues. The upper-tier municipality then would have the burden of defending against this appeal, and any number of appeals could be brought by all sorts of parties, without necessarily any recourse financially to the area municipality.

But in any event, presumably staff and legal bills and everything else which are normally associated with full-scale OMB hearings would apply in fact to the municipalities and the real property tax base.

Mr Grandmaitre: One last question. You did say you presented the Solicitor General with the brief. Were you not consulted by the Solicitor General's office before you presented your brief?

Mr Rust-D'Eye: No, sir. I am not aware that we were ever consulted prior to our initiating this particular brief to the government. We were not asked for that. It occurred to us as something that was pretty important.

Mr Grandmaitre: So Bill 115 was a surprise to you.

Mr Rust-D'Eye: No, not Bill 115 itself, just this particular provision.

Mr Harbell: Perhaps we should add the caveat that the CBAO does have a government relations committee, which we are not members of, which is very active with respect to knowing what legislation is being proposed, knowing what areas the government is looking for consultation on. I would not like to say that they were not advised of it. I simply say to you that we, the municipal law section, when we learned of first reading of the bill, chose of our own initiative to put together a submission and to file it.

Mr Grandmaitre: I find it somewhat strange, Mr Chair, that transfer payments to municipalities, school boards, you name it, are being cut back and here we are adding additional costs to municipal governments without consultation.

1020

Mr Longo: If I may just add one thing, the concern of the CBAO respecting the business of this committee today is applicable to the OMB itself, which is being asked to hold the line or cut back. Yet we find legislation like this coming through that is requiring additional hearings and indeed suggesting that unusual treatment be given to these sorts of appeals, that best efforts be made to decide them within a particular period of time.

It is not just a cost to municipalities, but a cost to the OMB in dealing with these, plus the greater public cost of a board which is already running 13 or 14 months behind

in hearings. To suggest those hearings have to wait now even longer perhaps to make time on the dockets to allow for these sorts of appeals, that is the type of cost that we, as a group, wish to bring to your attention. We believe that sort of matter should be addressed by this committee in its recommendations to the House, that the board is unfortunately overworked and under-resourced. We would certainly be pleased to engage in a dialogue as to suggestions on handling that.

Mr Jaffary: We do not want to appear alarmist, but it really seems to us that the whole process of municipal government may well break down because of this. The load on the OMB in the last few years has been phenomenal. It is the government's policy to finance development through development charges bylaws. They have all been enacted in the last week and they have all been appealed to the OMB. There is just a huge workload there.

There is this bill, and it is going to involve separate bylaws in many municipalities, an incredible number of appeals. At the same time you have government policies about trying to get approval of non-profit housing. Almost everyone requires a rezoning and almost everyone has appealed. You have a litany of things that have to go to the OMB and you are going to break down the whole system of municipal approvals if this board does not get more resources so that it can conduct those in an orderly way.

It is a very serious problem, going far beyond taxpayers' dollars—trying to actually administer municipal government in the province—and we feel very strongly about it.

Mr Wiseman: Getting back to the Coopers and Lybrand report, the Canadian Bar Association, I think that is the CBAO, said appointments to the OMB should be until retirement and not for a fixed term as suggested in the Coopers and Lybrand report. I would like you to comment on that, please.

Mr Jaffary: The practice in the past has been to tend to appoint people nearing the end of a useful and distinguished career who may have eight years or 10 years, or in some cases a good deal more, before retirement and they then retire.

We are concerned that if you begin plucking people in mid-career, people who are in their late 30s, early 40s, into the OMB for terms of three or five years, perhaps maximum seven renewable, those people will have to go back into the workforce again. First, we think it detracts from their independence, that they are going to have to go back into the workforce. Secondly, we think it means that trying to appoint from the private sector becomes extremely difficult. That is not an attractive position to a lawyer who is 40 years old, who knows he or she must give up his or her practice entirely and will have to rebuild it again from scratch seven years later. The only people you are likely to get taking those kinds of appointments are people who are presently public servants, perhaps in the municipal government, perhaps in the provincial government.

Since the whole thrust of the Coopers and Lybrand report was very much one of increasing the staff responsibility and downplaying the member's responsibility, it

seemed to us that the board would be changing from an independent tribunal that heard evidence and made decisions to essentially something like a government department with people who would move in and out of positions of chairman or hearing officer but would be constrained by their future employment prospects and would be directed by staff to a point that we would lose the independence of hearing that we have been accustomed to in the past.

A preferable general approach seemed to us to involve the person who was going to accept an appointment in his mid or later 50s and hold it for five or seven years until retirement. Obviously there are exceptions to every rule and there have been young and vigorous members who have done good work for many years; I do not wish to single anyone out. But the prospect of where someone will go for employment after they have been an OMB member is the one that concerns us.

Mr Wiseman: You commented, if I remember correctly, previously and again just now about staff reports. You have some concerns about how the relationship to the tribunal and to the staff was going to work itself out. Could you go over that again and perhaps add some new thoughts?

Mr Jaffary: The concern is whether you are getting a decision by the board chairman made on the evidence or whether there is input to the hearing officer's decision that is not known to the parties and is not available for the parties to comment on or rebut if they want to do that. I said when I was here before that I have had some experience with tribunals where most of the work is in fact a staff function and there is a rather cursory public hearing process. But the OMB has not worked in that fashion at all.

The idea of having a planning issue reviewed by a staff planner for the OMB who will come to some conclusion about it and give advice to a board member really concerns us quite a lot. We wonder, is the decision being made by the staff planner or is it being made by the board member? That is not to say that there are not planning issues that the board needs staff to address, but we want to be very certain that any opinion on how a matter should be decided is an opinion that is expressed under oath at the board hearing and subject to cross-examination and is known to the parties. That is our concern.

Mr Wiseman: So it is the idea that some decisions may be made on a basis of data that have not been discussed in the open forum of the hearings.

Mr Jaffary: It would certainly concern us very much if that were the case. We think the decision should be made on the basis of the evidence presented at the hearing and known to all the parties.

Mr Wiseman: Since they do not keep court records the same way at the OMB as they do in court, how can you be certain that data or that information has not been presented and just been missed by somebody?

Mr Jaffary: You rely pretty much on the integrity of the board members and on the fact that there is a public file that has everything in it that is known to the board. I mean, the question of transcripts, yes, there is a court reporter in all courts, but there is probably only a transcript prepared

in 5% of the cases. Virtually everything decided in a court is decided on the basis of the judge's notes.

The judge keeps them in exactly the same kind of red bound books that we give to the OMB members to keep their notes. If anyone wanted to find out what happened in a session of a particular court, he would have to pay for a transcript in exactly the same way anyone appearing at the OMB would have to have paid for the transcript. The OMB person has to arrange for the reporter in the first place.

But we take it as a matter of faith that the board chairman relies only on what he finds in the file and does not discuss the matter with others. While there have been occasional rumours over the last 30 years of strange cases where there might have been something that looked like bias on some individual member's part, those have been very rare. Generally the board members, and particularly in recent years, have been scrupulously careful to rely on nothing except what they hear in the hearing.

Mr Longo: A fundamental principle that we rely on and subscribe to is the concept that he who hears shall decide. When you went through the Coopers and Lybrand report, you found it was he who hears shall do a draft report which would then be sent to staff to be vetted for issues of consistency and other matters. As soon as you start crossing that line of the person who hears submitting draft reports for editing and scrutiny by staff, we believe you have crossed into an area where it becomes potentially a bureaucratic position or decision that is rendered and not one that is made based on the evidence. In fairness to all parties, it should be based on that. That certainly was another basis for our concern, that there seemed to be a potential erosion of that fundamental role that we have been operating in for centuries.

Mr Harbell: The question of fairness did cause us considerable concern. While each of us is a lawyer, each of us has a client whom we have to guide through the process and whom we have to discuss the results of the process with. As we envisaged it, we saw a decision come down that bore little resemblance to the actual evidence that went in, that the client sat through. How is it that we would be able to sit down and describe to clients that they had just gone through a fair process? They had just spent real dollars to participate in a fair process and yet that process permits extraneous material, extraneous people to be involved, and a decision potentially to come down different from what took place within the hearing room.

1030

That whole concept of fairness would equally be applicable to unrepresented ratepayers, who are a substantial constituency of the Ontario Municipal Board by the very nature of the work it does. They are a group that, while we obviously do not represent them, we have to think about them in any kind of procedural effort we put forward. If they see a decision, participate in a process where they do not know the reason for the results because the results have taken place outside the room they have been in, they are going to call into question the full process, call into question the fairness, potentially bring it into disrepute, and will more than likely increase the number of section

42 motions, which are the motions by which the board is requested to review the decisions it has made. Those motions can be brought by anybody, and they usually are brought because people perceive they have been badly dealt with by the original decision, either by way of process or by way of substantive nature. The issue is a larger issue than simply the legal concept. It is a question of perception that has to be kept in mind.

Mr Wiseman: You have indicated that more resources should be given to the Ontario Municipal Board to function properly. If the Coopers and Lybrand report is implemented, is it fair to say that those resources would go into building an infrastructure below the tribunal level and not to the tribunal level where the decisions are being made? Would it be fair to say that you would not agree with that process happening?

Mr Harbell: Yes. We very firmly believe that the OMB deserves more resources, that it has an important role to play in this province. The Legislature just last week reconfirmed that by placing more jurisdiction on that board. However, our very strong view is that the board operates through its members—the number of them, the salary that each of them has, the secretaries they have behind them—and that is the board that needs the strong, substantial financial support that we perceive it is not receiving for the time being.

However, we have a significant disagreement with the conclusions of the Coopers and Lybrand report, which suggests there should be a significant increase in staffing in the order of 100%. We do not foresee a need for that. We foresee that the suggested use of those staff persons is not appropriate and that more board members, better funded, can handle some of the issues that Coopers and Lybrand suggest should be handled by staff.

Mr Wiseman: They suggest that if the tribunal judge needs further information, he should have a staff to ask that information of. Would you say that if he needs further information he should be calling the witnesses back and asking for that information in the open hearings?

Mr Harbell: I think it is a mix of the two. If you look at a court model, a judge has certain resources behind him that he can call upon. He usually has a court clerk who is a law student who has completed his or her legal education and is there to be a research assistant to the judge. So there are certain resources the judge can call upon as well as going to the parties. We suggest that kind of concept is an appropriate concept to apply to the board.

As a first resource, by all means call back the witness who has left questions unanswered. The board has the current powers to subpoena other persons it believes will be of assistance in its decision-making, whether it has already heard from them or not. That is a resource they have now. They at the same time, though, should have some minimal amount of resources they can call upon in-house to assist them with whatever background research they may require so they do not have to do it in a public proceeding. The board has started doing that, for example, by selection of a counsel to the board, and we certainly see that as a good thing. We would draw a line: one counsel or two is probably a good

thing, 10 might not be a good thing and would not be the right way to utilize limited resources.

Mr Longo: As a follow-up to that, the process has to be open. Any evidence-gathering or fact-gathering should be put and discussed in the public process. The board, under its act, now has the power to adjourn hearings if it wants more evidence. They have done that in the past, saying: "There is a significant missing piece of the puzzle here. We will adjourn this hearing and send people off to bring that evidence back."

I believe that under the board's own act, the board also has the power to retain its own experts and provide evidence at the hearing. But I think we would strongly resist the board's hiring experts to give it advice after a hearing is over, because then the public and all participants of the hearings are denied the ability to test the information being given to the board. Fairness dictates that if you are going to make a decision on such evidence, it should be publicly put on the table to allow everybody to understand that is your process. I think the process is there if the board wants to gather information too, but it should be done in a hearing setting.

The Chair: Mr Marchese, and then Mr Wiseman, if you have something further.

Mr Marchese: I have a question I hope some of you might have an opinion on, personal or political. There are some people who say that the OMB, both practically speaking and democratically speaking, should not continue to have the final word on planning decisions on councils and municipalities across the province. Some people also say that the OMB should have a role as an Ombudsman or review body to allow some municipal decisions to be reviewed in another arena, but that it should cease to be a decision-making body. Instead, its findings should be referred back to the municipality for a public meeting or council meeting where elected representatives will have the final say. This approach would ultimately be more accountable or democratic and could reduce the work of the OMB, thus relieving that body of the resource problems it appears to be having. Do any of you have an opinion on that?

Mr Jaffary: I have held both opinions and have expressed them both publicly, so I can take all sides of it. When I did some work for the Robarts commission some years ago, I remember ultimately concluding that perhaps the decisions of councils on planning matters should be final and that an OMB decision might not be required. Of course, I think most of us would agree that if that were the case, municipal council decision-making would become vastly more responsible than it is now. It is extremely easy to vote for the popular thing, knowing that if you are wrong the OMB will fix it anyway and you do not really have to be fair.

However, the more I have looked at municipal councils, the more I have decided that probably they do not think they have to be fair anyway. I am not sure if the way that land use rights, good planning and political views should be resolved is at the municipal council. I ultimately have concluded that the brake of saying that absolute unfairness is something we will not permit municipal councils to do is a good thing, because otherwise they will do it.

Municipalities will zone your development site for parks; they have been doing it for years. Only the OMB stops them from sticking to it.

I could go on by the half hour telling you about totally ridiculous decisions that municipal councils have made that the OMB has upset. The decision the municipal council makes, it makes in a few minutes, it makes without a full hearing, it makes with a staff report, it makes with every member of the council having talked to his or her constituents, it makes with no obligation to be fair, it makes with no obligation to have the same people hear it as make the decision and it ultimately makes the decision in whatever way each member of council thinks will suit his political future the best.

I say that as a former municipal councillor who has attempted to resist those things. But if you have a council chamber filled with people screaming that we must have a law about such-and-so, voting against it is a very difficult thing to do, even if it is a dead wrong thing that you are being asked to do, so ultimately I have concluded you need some further tribunal. You probably should say very clearly what its rights are, and indeed the OMB is very conscious that if it upsets a local democratically made decision, it must show very clearly why it is doing that. But I have ultimately concluded, I think to my sorrow, that one needs such a body.

1040

Mr Longo: Another point, to pick up what Karl has just said, he has referred to situations where municipalities make ill-founded decisions. Half of the board's work is when municipalities refuse to make a decision and allow the individual land owners to take that inaction to a higher body for some resolution. It is nice to say the board should not have the final decision and it should go back to council, but half the times we are in front of the OMB it is because the council did not want to touch it in the first place and the land owner has the right to have someone make the decision. That is how it gets to the board. That is the other side of the coin that should not be lost in your consideration.

Mr Harbell: Perhaps to add to that, in other jurisdictions where there are no tribunals similar to the OMB, there still has to be a way of dealing with problems of natural justice and fairness, and that has then fallen to the courts to deal with. The difficulty then is the right of entry to the courts. For example, if I am representing ratepayers it is very difficult. If they happen to be on the wrong end of the natural justice question, that probably does not get rectified because they cannot afford to deal with it. It also takes longer to do it.

You are dealing in the courts with decision-makers who are not accustomed to dealing with the broader public policy decisions that the OMB has developed the expertise to handle, but rather are called upon to deal with issues between two parties and to make the decision on the basis of private decision-making as opposed to broader public decision-making. There will still be issues that need to be addressed if it is turned back to the municipal level to follow through. I think if that is the process contemplated,

then full thought has to be given to how all of those issues would be addressed in the upside and downside of that.

The Chair: Mr Grandmaitre, did you have anything further?

Mr Grandmaitre: No, I totally agree, especially with the former councillor.

Mr Longo: As a former mayor?

Mr Grandmaitre: In most municipalities they absolutely are using the OMB as a relief valve. That is what it is being used for.

Mr Wiseman: I have read through some of the recommendations put forward by the Preservation of Agricultural Lands Society, and even by the CBAO.

Just for example: "The Attorney General in consultation with other agencies in the public should establish a monitoring system to determine whether the OMB is following government priority."

By PALS: "The province through the OMB should be able to intervene and to impose official plans on municipalities which do not currently follow the Food Land Guidelines and other provincial policies."

One from you: "The provincial government should reform the existing land use planning and appeals process to ensure that integrated ecosystem-based planning is carried out at the local, regional and provincial levels."

Mr Harbell: I do not think that last one is ours.

Mr Pond: It is from the Canadian Environmental Law Association.

Mr Wiseman: Okay. But given just that list of three, and I have a number of pages of these recommendations that you have heard, clearly there are conflicting views of what the OMB should be. One of the recommendations is that a purpose or some kind of guideline should be defined about what the OMB should be and what it should do.

In your view, where do we as government members and committee members draw the line? Which side do we come down on in terms of the power and the responsibilities in the OMB? If you could do that in 15 minutes, it would be really good. I need some kind of philosophical idea that I can hang my hat on that will allow me to make some kind of decision.

Mr Longo: On the issue of whether the board should be paying more attention to certain issues—you talk about the ecosystem and things of that nature—you should start with the premise, let's look at the Planning Act as it exists right now and find out if the tools are there now to allow that to happen. As you know, under sections 2 and 3 of the Planning Act, the province has the ability to issue provincial policy statements. Once they are issued, the OMB, in fact municipal councils, are obligated to have regard to those provincial policy statements. So the power is there already should the province wish to issue that.

As the member knows, the Food Land Guidelines were issued in the early 1970s. Since the new Planning Act came out in 1983, a foodland preservation provincial policy statement has been worked on but never issued by the government. Wetlands is presently the subject matter of a draft report. All we have, I think, are aggregates and housing,

and I think floodplain too. If the province believes there are certain province-wide interests that should be addressed by city councils and by the OMB, you have had the power for the last eight years to do it. The fact that it has not been done suggests that perhaps it is very difficult to come up with an ordering or priority as to what is significant for the province. But many of those powers are already there and do not require amendment or additional powers to invoke them. It is just that the provincial government has to use those powers. In many respects, some of the issues you have raised can be implemented tomorrow by the government.

The second point, before I turn it over to my colleagues, is that any provincial policy statement usually has to be written in a generic or general sense, because it cannot address all the specifics of a vast province such as ours. Municipal councils and the OMB will always be asked to have regard to those provincial policy statements. But of course there will always be site-specific matters that must also be weighed in determining the application of a provincial policy to a particular set of facts. The tighter a provincial policy can be written, obviously the less leeway the OMB and councils would have in attempting not to apply it in a particular case.

Mr Wiseman: Can I just interject for a second? Morley Rosenberg, who is the OMB chairman is quoted as saying: "We are criticized for saying we are not following the guidelines. That is the magic word: they are guidelines." To what extent—

Mr Grandmaitre: Mr Chairman, who is the OMB chairman? Mr Kruger?

The Chair: The fellow standing in the doorway.

Mr Wiseman: Mr Kruger, sorry. I guess Morley Rosenberg was the chair at one of the tribunals. He was referring to the Oak Ridges moraine, and he was saying that they are just guidelines, and that is the magic word: they are guidelines. How then do you make sure that people in the tribunals, when they are making these decisions, are going to say, "We are going to give weight to these guidelines?"

Mr Jaffary: I think they do that remarkably well. I think what the OMB is good at is making decisions on things that are before it if it is given criteria on which to base the decision. Of course if you say we are in favour of low-cost housing and we are in favour of preserving food land, and you get something that is low-cost housing on marginal food land, somebody has to make a decision. But the board is not going to bring you new wisdom from heaven. What they are going to be able to do quite well is interpret guidelines, particularly if the guidelines conflict with other guidelines.

I can think of very few board members who have said, "I am just going to ignore any guideline at all that is provincial policy." The board has always tried to find out what provincial policy is and, as said, part of its job is to implement provincial policy when one knows what it is. But the board is at its best when it is making a decision on the basis of evidence and on the basis of known criteria. Somebody says, "There will be a traffic problem if you build such and such a project," and they can then have

traffic engineers give evidence and find out if there is going to be a traffic problem. If there are environmental guidelines, in my experience, the board is very good at looking at those guidelines.

If there were some comments made about the Oak Ridges moraine guidelines, they are in fact guidelines. They have taken a definition of the moraine that many people say includes everything that could possibly be moraine, plus a lot of other things, and they conflict with other guidelines, and you try and put those together to make a sensible decision. That does not mean everyone who finally hears the decision or reads it will agree with it, but I think is all you can ask human beings ever to do. Tightening your guidelines into firmer rules may be what you want to do.

1050

Mr Longo: That is a criticism not of the board but of the people drafting the guidelines. Let me play advocate for a minute. If I am representing someone and the other side says, "Here is what appears to be a guideline from a government ministry," I will say to the board, "What status does that guideline have?"

The Planning Act sets out a way to declare government policy, a provincial interest. If you are not going to call it that, then maybe you should not give much weight to these guidelines because the government itself has not deemed fit to elevate them, as the Planning Act says, to a provincial policy statement. One thing I am always careful of is to be certain that when someone says, "This is a government guideline," it could be the government guideline this week; next week it might be another government guideline. The board has to make its decisions on all the evidence but has to weigh guidelines versus provincial interest versus policy statements.

If the government of the day chooses to express an interest in one level and not the other, I think it is quite fair for the board to make the comment, "It is a guideline. It is not an interest statement; it is not a policy statement," because those are the tools you have put in the Planning Act to allow the government to speak to municipalities and agencies. If you do not use them to their fullest extent, I do not think it is fair to lay a criticism at the board's feet that it was just a guideline, and therefore the board gave it less weight than something else.

Mr Harbell: I would like to follow up on that. Where it has been a section 3 Planning Act policy statement where the Planning Act specifically requires the decision-maker—and I believe the language is "shall have due regard for," which is a higher standard than simply to listen to and weigh as you think best—where three or four of those policy statements are brought forward to the board, I think a general review of the board's decisions would find they had due regard for wetlands, housing and floodplains and will give much greater emphasis to those policy statements where the province has followed through on the process under the Planning Act than, as Leo has pointed out, to the plethora of other guidelines out there issued by either provincial ministries or agencies, not knowing whether they have been accepted by anybody in particular.

I think the board is doing the right thing in saying: "Yes, this one we know has the provincial stamp on it. We are going to give it due regard. With respect to the rest of them, we do not know what kind of process they have gone through. We do not know who represents the decision-making behind a particular guideline so we will only give it the particular weight we think appropriate in this hearing."

As well—and I am sure you are aware that it is there—section 2 of the Planning Act permits the province to declare on official plan matter, that it is a matter of provincial interest and, in effect, to take the power away from the board, to turn the board into a recommendation agency and not into a final arbiter and to create cabinet as the final arbitrator with respect to those matters. That power always rests with the government where they have put in place the broad policies. They see on a particular matter they are concerned about the specific application of those policies. If it is a significant matter, then they have that ultimate power of completely changing the final decision-making ability of the board.

Mr Wiseman: Would you agree that, if the guidelines and policies of the government were carved in stone a little better than they are now in terms of amendments to the Planning Act and were clearer, perhaps the process could be streamlined and the OMB would not be as inundated with as many requests as it is?

For example, you will not build on class 1 and 2 farm land, period. That is what PALS Food would like us to say. If that was a law and the Food Land Guidelines were in place, would that reduce the amount of cases coming before the Ontario Municipal Board?

Mr Longo: I do not know if it would reduce the number of cases, because people would be saying they are not on class 1 farm land. It may reduce the unpredictability of the outcome. If the evidence demonstrates it is class 1 land and the law says you cannot build, then you will not build, but you will still have as many hearings where people will debate and call evidence on whether they fit within the criterion of whether the land qualifies for that statutory prohibition.

The Chair: I am going to have to jump in there. I apologize, Mr Jaffary. As you know, we only had a half-hour set aside for your testimony this morning and we have gone over that by at least 10 or 15 minutes. We appreciate your taking the time to be here, Mr Harbell and your colleagues. Your input has been most helpful and will continue to be helpful.

Mr Grandmaitre: Before we close, I would like to put on the record that I am very disappointed with the members of the government. Not one question was addressed on Mr Harbell's preamble or opening remarks on the Retail Business Holidays Act.

The Chair: Thanks very much, Mr Harbell and colleagues.

ONTARIO MUNICIPAL BOARD

The Chair: We have Mr Kruger with us. Diana Santo, a vice-chair, and Douglas Colbourne, a vice-chair, are accompanying Mr Kruger this morning. Mr Kruger, do you have anything to say to open up?

Mr Kruger: Yes. I notice my friends are still here, so I might as well take the opportunity to tell them and you, Mr Chairman, some of the things they have brought up and to give a degree of comfort not only to them but to this committee.

Diana Santo is a vice-chair of the board, a very senior member. She happens to be sitting with me now on the Etobicoke lakefront hearing. That is a provincial interest hearing that has been going on since October 1. I think it is a classic case of what the board does to try and get people to resolve issues before they ever get to the board. If you want to find out more about that, I would be interested in the questions. Mr Colbourne is also a vice-chair of the board, a very senior member of the board.

First of all, in regard to the Coopers and Lybrand report, of course it is not going to be enacted. I have said that publicly. I have said it at conferences with my friends. Not only is there a lack of money but what Coopers and Lybrand did, I think, was to challenge the board, to say there are certain things it should do. It talked about membership of the board, about a whole group of things. One of the most important things it did for us was to tell us we have to get to a better case management system internally within the board and we have done that. We are in the process of doing with our existing resources.

The concept that he who hears the evidence will decide has always been with the board and will always be the case with the board despite the Consolidated-Bathurst case which went to the Supreme Court where members can talk one with the other. Our board members do not do that. They test the evidence that comes before them. They might talk among themselves as to whether they have ever had a case like that, but generally they talk among themselves. They might have some expertise. We are very careful, even I as chairman. There is no way I ever interfere in any decision. The only time I even get involved in a decision of other members of the board is when a section 42 comes before me. That section says the matter is up for a rehearing and then we have to do a thorough investigation to see whether a rehearing will be there.

1100

They talked about the number of counsel. When I came to the board there were no legal counsel; we have two and that is the maximum we will ever have. The staff do not interfere with the decisions of the members at all. They do not do the research. Everything is in public. It is tested that way and I agree with my friends totally in what they were saying. In fact, I agree with most of the things they have said despite the fact we are often in conflict with them from the point of view of their advocacy, certainly on some of the provincial housing policies and stuff like that which we have to adjudicate.

There is one thing they are totally wrong on because they did not know and I really did not know myself until recently. There are two things I would be very interested in relaying to this committee. One is on the Retail Holidays Business Act, the actual situation. The situation which to me is even more depressing for us right now is our actual situation before the board, our backlog and what is occurring. A lot of it has to deal with resources.

With respect to the Retail Holidays Business Act, we have been informed that, provided the money can be found elsewhere within government, they would allocate for the rest of this fiscal year some \$223,000. That would permit us to bring on three part-time members, one staff member and three full-time members. Let me tell you how we intend to organize ourselves with regard to the Retail Holidays Business Act.

Only the experienced members of this board will hear those hearings and there is a very good reason for that because these hearings—I agree with what Mr Rust-D'Eye has said to you—are going to be very complicated. They are going to be wide-ranging. There is going to be some very difficult adjudication like cultural or ethnic attractions. What is that? I can see that people from one area to another—particularly as any member of the public can appeal directly to the board. Another thing is they can appeal directly to the board. They come to the board. Generally it goes through a municipality. This puts more of a workload upon us.

There is a subsection 4.3(8) that talks about best efforts. We are going to have to use that from the resources we would get. Again, there is a caveat on the resources for this fiscal year. They have to be found elsewhere in government. You should know we are also being told that we have to contribute towards the economy and, quite apart from the Sunday shopping, we have to find \$198,000 out of our existing budget. We were straight-lined this year on our existing budget but we still have to cut back \$198,000. We have been told for next year we have to cut back an additional \$144,000. So the \$223,000 we will get is strictly for the Retail Business Holidays Act.

In the 1992-93 period, Treasury has earmarked the possibility of \$734,300. There is no certainty we are going to get it—it depends when it goes through the estimates—but at least we are encouraged to know Treasury feels that this is legitimate. That will permit us to carry on these three full-time members and it will also permit us to carry on the part-time members.

These members will come before this committee. We are going back to those members of the board who have retired or resigned and are in a position to come back because they are fully trained. It takes about 18 months to fully train a member of the board and the moment you become a member of the board you cannot do anything else. That is in the act, and our act is very specific about conflict of interest and so forth. We are going to bring on about four or five, as many as we have money for, and these members will relieve our other members. They will do the consents, variances and smaller matters to relieve the other full-time members so they can do the work on the Retail Holidays Business Act. In October Treasury will take a look, if we do get this money, to determine whether it was needed.

Let me give you some estimates of what we believe. There are some 839 municipalities in Ontario, about 50% or 419 of which are rural and 50% or 420 could be urban or suburban. We are estimating some 15% of the rural and some 35% of the urban municipalities will appeal. If we can get seven members working on the Retail Business Holidays Act, our present estimate is it is going to take

about a year to a year and a half. Therefore, best efforts are very important. You must remember that this will go through the normal process of appeal. A lot of these things will be adjourned. There are some good points and some bad points about that.

There are some positive things we have. Within the act section 42, which means if you have had a hearing you do not have to go back to the board, will not apply. Section 94 does not apply. That means it does not go to cabinet. We have some other relief within the act itself, but I have not yet seen the regulations and I am expecting they will be very difficult to adjudicate. In that I am agreeing with my friends. The only thing I disagree with is that we have the thought of some money.

Mr Chairman, I am in your hands. We have a lot of data here about our existing situation. If anybody wants to ask about it, I would be delighted to tell you, affordable housing in particular. How long do we have?

The Chair: We have limited time really. I know there are a lot of questions. I think we would like to get right into the questions.

Mr Grandmaître: When were you advised by the Solicitor General or the ministry about your additional \$223,000?

Mr Kruger: You must remember we are an appeal tribunal and we do not see regulations. We do not get involved in those things before they are done. We were told the OMB would be involved about a day before there was the public announcement, so we were aware of that. Since that time, we have been talking back and forth with the government, with the Solicitor General, with the Attorney General, with Treasury and so forth about what the needs might be. That has been an ongoing process. Specifically we were told we were going to get the \$223,000 about a week ago. That was before the figure.

There was a lot of analysis that had to go through. Our staff were over there. Treasury, and rightly so, wanted to know what we were going to use it for and how much we could spend, the normal things. My concern is less for that. I am going to bring on two members anyway. We have been husbanding our existing resources, so I can bring on two part-time members without the \$223,000. That has to be found elsewhere. I am more concerned about the estimates for the 1992-93 period, because while they say there is sympathy for the position on that, you never do know until the estimates process. However, I am encouraged.

Mr Grandmaître: What you are telling me is that the additional \$223,000 that was allocated to you has nothing to do with the government realizing that with the new Retail Business Holidays Act more and more people will be appealing to the OMB.

Mr Kruger: I do not know whether that is quite fair. I think there was a recognition.

Mr Grandmaître: I am not asking you if it is fair. I am asking you how you were told.

Mr Kruger: From my discussions there was certainly a recognition that this was going to place a workload upon the board. I can tell you quite sincerely that if for any reason the government felt it was not going to place that

workload, it would not even be talking about additional resources. I think the fact that they are talking about additional resources is recognition that something has to be done at the OMB. We are running a 15- to 18-month backlog in our normal work. There are things coming forward to this board like affordable housing. There is about \$500 million worth of work out there which will give about 7,000 people employment. This is about the only game in town now, so we have to concentrate on those things. The government was aware of it. I guess they were strapped for the resources, the same as everyone else.

Mr Grandmaître: When was the last time you met with the Attorney General about your workload and your backlog?

1110

Mr Kruger: I generally meet with the parliamentary assistant. That is the way it works within the ministry. The parliamentary assistant is aware of it. Like every arm of government, the final arbitrator in this is not just one ministry. It is the cabinet; it is the treasury board. We have been meeting very constantly with the people who in the end give us the money.

We are enough of bureaucrats to know where you go for it, and we know you have to go to Treasury. They are the ones we pound because whenever we go to the Attorney General we hear "That's probably all right with us, but if you don't get the money from somewhere else don't look to us because we haven't got any." There is nothing abnormal about that.

Mr Grandmaître: How many additional members would you need to comply with the Retail Business Holidays Act if the 90 days goes through?

Mr Kruger: If the 90 days was that rigid and did not have best efforts and we were obliged to do it?

Mr Grandmaître: Yes.

Mr Kruger: We have not even contemplated that, but I can tell you that you are talking much greater than the three or four we are talking about, because you could always have these things. You see, it is impossible in a lot of these cases. The hearing could begin, it would be adjourned and there would be motions you would have to hear, so it could go on three, four or five months.

Mr Grandmaître: What you are saying is that the 90 days is not realistic?

Mr Kruger: In some cases it would be. Overall, as a board complying with everything that comes before us, no. It is for that reason that best efforts is in there, and we are going to use that fact.

Mr Marchese: I have several questions. The first has to do with my interest in understanding how we can reduce the backlog at the OMB. There are two matters I think can be helpful and I want you to comment on: where the OMB has jurisdiction in reviewing municipal capital borrowing and also minor variances from official plans. I am presuming that the OMB has had to adjudicate or make decisions on those matters.

Mr Kruger: Yes.

Mr Marchese: These are two areas I think we could dispense with in terms of the power of the OMB to review. Given that minor variances, for example, can easily be dealt with by committees of adjustment in the cities, why would the OMB need to retain that power, and as well with the municipal capital borrowing?

Mr Kruger: I do not put this on my curriculum vitae. I try to hide it but I was a municipal councillor at one time. I can tell you that when I was a municipal councillor I had my anti-OMB speech. I am something like Mr Jaffary. I hated it. I hated the OMB. I have come to realize that testing evidence in an impartial place such as the OMB has its role.

As for capital borrowing, we have our standards. That is mostly all done at the staff level because there are some very precise standards on that. You have to meet certain targets and so forth. That is not contributing to the board workload. What contribute to the board workload are the five cases a year we get that we actually have to go out and have a hearing on for the reason that somebody really feels aggrieved.

We just had one in Hamilton. I thought it would be for two days. It was on an arena. The local councillor, just by way of conversation, called us a bunch of NEPs, that is, non-elected parasites, in that we would go into their area and have the temerity to question this arena. It just so happens there were these two people who were dead set that we did not need the arena. I thought it would be for two days. He kept writing. I tried to do a paper hearing but was unsuccessful. It went forward and turned into a two-week hearing. Everybody came out of the woodwork on it. It just so happens that the arena is going in, but they had their opportunity before the board. That is not the great part of the workload.

As for taking away capital expenditure review from us, I have taken this position internally within the government: "Take it all away. Don't leave anything with us"—I think municipalities now know what standards should be—"We don't want any of it. It won't do anything for our workload. But at least don't leave us with any hearings." The government I guess is looking at that and saying, "There might be the odd occasion where we've got to refer something to you anyway for a hearing," and there are examples of that. I did not even want to have them. That does not do anything for our workload, so as far as taking it away is concerned, I encourage it totally and completely.

From the variances point of view, yes, you could take those away, but you must remember that committees of adjustment are not always as sophisticated—I see some of my friends smiling—as they might be in the larger centres. If you get up into some of the rural communities, who gets on to the committee of adjustment? Campaign managers and people like that who were there with the local councils. In some of these areas whether or not you are going to get the variance depends on how you part your hair.

You could put that on to the committee of adjustment. It really would not bother us that much. However, there are some people who are truly aggrieved by a variance. We see it all the time. They go before the committee of adjustment and, as I think you said, they get about five minutes.

They try to make their case. They feel they have not been listened to. They come to the board and at least we will listen to them. They go away with the feeling that "Although I've lost, at least I was listened to." In a lot of these cases it is neighbour against neighbour and they just cannot resolve a thing like a little variance taking some of their land or something like that.

What we are doing to try to improve our way of handling them is that we are now going through the files and seeing those that might be subject to alternative dispute resolution techniques. We are figuring there are about 15% to 20% where we might be able to get the people together and kind of bash heads together without having a full hearing and say: "This is silly. Why don't you go and resolve it?" It is not uncommon in a board hearing to have a member city and seeing that the people are not that far apart say: "I'm going to adjourn for 15 minutes. Why don't you go and talk to one another and come back?" Quite often we get settlements. We are doing techniques like that.

Variances is one thing I think could be looked at, but there is a downside to it. The downside is to the population generally. Some of these people feel very strongly about being aggrieved and they want their day in court, even if they lose.

Mrs Santo: If I could add to that, Mr Marchese, the minor variances normally affect a person's home—whether a neighbour wants to put on an addition or an enlargement—and in society, as you are well aware, that is most people's major investment. That is what they take pride in. That is their hope. They have very strong feelings about property and property rights. This comes out very strongly in the hearing. They want a full and fair hearing. They want someone to truly listen to what their concern is. On the other side, the fellow who wants to put in the addition also wants someone to listen to why he really needs that addition or why he cannot live within the constraints of the bylaw. There just does not seem to be the trust out there that a committee that has looked at 25 of them in one day has given the attention they feel they deserve.

1120

Mr Colbourne: There is also another aspect, if I can add to it. Housing intensification is rearing up in the minor variance area. In other words, there are more major variances for putting in additional units, say moving from three to five, and we are getting more and more of that rather than going through the bylaw route, which takes quite a bit longer time to get through municipal council. So properties are converting, changing, expanding and intensifying housing units and we are getting a lot of that in the minor variance area in the major metropolitan areas, saving the time of going through the bylaw aspects of it.

Mr Kruger: On that, this is almost typical of what is going on in the community out there. More and more, our hearings are getting longer and longer. That is because people are becoming concerned, they are better educated as to their rights and they definitely want to be heard. A very good example of that is affordable housing. Anything that is a zoning bylaw gets appealed now, every one of

them. Particularly with the recent election with the members running for council, there is more and more of the affordable housing being appealed. Now, we fast-track them. You should know that to this board, fast-tracking means you might get them in five or six months.

Mr Marchese: Let me ask another question, quite related to all of this. I recognize that more and more often it is thrust upon the OMB to adjudicate, like with the Sunday shopping issue, which you will have to deal with. As a result of that, more and more resources are likely to be needed to be able to do that.

Mr Kruger: Right.

Mr Marchese: I also recognize from my long experience in politics that there is a dynamic for growth that organizations are engaged in, whether they like it or not, and that it is not a temptation, normally, to reduce one's scope but rather to enlarge it. I also recognize that people are not tempted to review themselves out of existence, for the most part. But in the review that you often do of yourselves, have you come up with anything you think could reduce the backlog or that you could not do any longer because you feel somebody else could do it? Anything?

Mr Kruger: Philosophically I would agree with you, Mr Marchese, and I have had a lot to do over 20 years with organizations, particularly in the public sector—how they are reviewed and so forth. They tend to grow. That is not our problem.

Our problem is just trying to keep our heads above water. As we look at things we do more and more, in an effort to find what we could do away with, there would be some things that would improve if there were a clear statement of what is the policy of the government. But let me give you an example. Mrs Santo and I are on this Etobicoke hearing. We sent them back, both the province and the municipality, to see if they could agree. We sent them back several times. We thought we had a pretty good level of agreement among the parties. We have been taking evidence since October and we are going to go right through till Christmas because they still have not agreed on things we thought they had agreed on.

Of the things we do, official plan amendments—let me give you a problem there. The London, Ontario, official plan is coming up for review. It was adopted in June 1989. It was sent to the minister in July 1989. It was referred to the board in April 1991. We have had some pre-hearing conferences on this. It is going to take 170 days. We looked at that and we said: "Oh, my God, why? Isn't there an easier way of doing this?" When we looked at it, not only is the official plan being referred to us, but we have no less than 21 referrals. One of those referrals happens to be for 5,800 dwelling units—this is under the official plan—supporting a population of 12,600 with more than 25% affordable housing. So we looked at it and we said, "It may well take that length of time." That is going to hold up two members.

I have joint board hearings; I lose four members. Every time there is a joint board, my members seem to disappear into an abyss somewhere because of the length of time. You might ask, could we get off joint boards? Maybe we

could, but that is going to expose a lot of these hearings, particularly landfill where there are a lot of planning considerations.

For all the things we do, I would say that we are constantly reviewing, and I will let my friends here talk to that as well.

Consents? Now, there is something. We thought, can we not get rid of consents? For goodness' sake, is there not some way? But unfortunately, there are a lot of municipalities that are planning by consents. They are just carving up their municipalities. There is an official plan there. They are interpreting their official plan just the way they want. We have the Grey county problem, for example, that is coming on. This is a very big part of our business, and every one of these consents is contested.

The Chair: Mr Kruger, I am going to have to jump in there. We have two additional questioners. This has taken up over 13 minutes right now, Mr Marchese's questions and your responses. Mr McGuinty and then Ms Carter.

Mr McGuinty: Mr Kruger, with respect to the additional funding you are about to receive, \$223,000, will that be subsumed entirely by the board in carrying out its additional responsibilities or will there be extra left over?

Mr Kruger: Oh, no, that money has to come from elsewhere, in the government. I cannot find \$223,000 from within the board. I already have to find \$198,000.

Mr McGuinty: Okay, maybe I am mistaken. I thought you were receiving an additional \$223,000.

Mr Kruger: We are receiving it based upon the ability of people within government to find it. They are taking around the hat—throw some money into the hat for the OMB.

Mr McGuinty: So it is not a sure thing, is that what you are telling me?

Mr Kruger: No, it is not a sure thing. I have confidence, though, that it will be found.

Mr McGuinty: If you were to receive it, would you need all that money to carry out your additional responsibilities?

Mr Kruger: Are you saying would we need all that—the additional responsibilities in the retail—

Mr McGuinty: Yes, exactly.

Mr Kruger: Is it sufficient? No, it is not sufficient.

Mr McGuinty: All right. So there is an existing shortfall.

Mr Kruger: It is not sufficient for trying to do everything within the 90 days. It is not sufficient. It is probably enough to struggle through with, because I am going to be allocating more members than that \$223,000 is going to buy me in the initial stages. I am hoping, Mr McGuinty, that with municipalities working the way they are, by the time we get some of these appeals I will probably be pretty close to the next fiscal year. That is my hope.

Mr McGuinty: I see. So I think what you are telling me is that not only is that not enough to deal with your additional responsibilities properly—

Mr Kruger: Within the 90 days, but these are our best efforts.

Mr McGuinty: Right. But as I understand it, you are stating that there is also a shortfall in terms of managing your existing responsibilities.

Mr Kruger: If I was concerned about something, Mr McGuinty, I am more concerned about our existing than I am about the Retail Business Holidays Act.

Mr McGuinty: I wonder if I might ask one further thing. What kind of impact would the extension of intervenor funding to cover hearings before the OMB have on the OMB? Could you answer that rather briefly?

Mr Kruger: First of all, when you say "intervenor funding," the first thing that comes to our mind—when you go before the Environmental Assessment Board or something like that, you have an Ontario Hydro with big pockets. We do not have people out there with big pockets. All developers are not rich and nasty at all. So I do not know where the money would come from. Presuming you could get some magic—and this is going to be the big argument about the intervenor funding before the OMB—there is absolutely no doubt that it would delay hearings. That is one thing the Coopers and Lybrand report did point out.

We are the first to admit that in some of these hearings—we have a hearing going on right now, the Etobicoke lakefront hearing. It would have been nice to be able to fund the members of the public so they could come. We have about 14 lawyers or something sitting there, all very competent people, but they are sitting there advocating for their clients, and the ratepayers have this one little person who has just finished his MA degree and he sits there every day. Now, intervenor funding would be good there, but I think there would be a delay. I think we would experience much the same type of thing as would be experienced at the EAB.

I have said this publicly, so I might as well say it here. I sometimes think that intervenor funding, as it is sometimes used—and we have some good examples of that—gives employment to consultants and to lawyers and to people like that.

1130

Mr Grandmaitre: And it keeps you busy.

Mr Colbourne: I think there are instances where it could be useful, and I think Etobicoke is perhaps one of them, where the public interest is involved and the provincial interest is there also. I think there are those instances where it could be useful. But the majority of our hearings, remember—minor variances, for instance, consents; they are all site-specific. They are all between neighbours and/or the local authorities and individuals. So there are some circumstances where it would be appropriate, but in a lot of our dealings it would not be appropriate. Assessment appeals, certainly not. There is a difference between the types of applications, and I agree with the pocket. It is a matter of where you get the intervenor funding from, because the applicant in the Intervenor Funding Act pays the toll.

Mr Kruger: We had estimated that where it would be helpful, in cases where we felt the ratepayers were aggrieved by not having the right type of planners and that type of thing, would be about 20 in a given year. That is the order of magnitude, and you must remember the number of appeals before us is 36,000. That is our workload.

Ms Carter: I have two related questions. I understand that board members are instructed to try to be friendly, not to intimidate witnesses and so on, but I think some people who come before the board still perceive that there is an adversarial atmosphere. There seems to be an element of paradox in this, that they might feel disadvantaged because they do not have the professional support, the lawyer and so on that they see on the other side, and yet at least one group has said that when it did have a lawyer, this made the situation worse because board members were rude to the lawyers. I just wondered how you felt about that.

Mr Kruger: All right, and I will let both of my colleagues talk to it as well. I can tell you that there are a lot of people who appear before the board who are not represented. The board operates in an adversarial environment, there is no question. We are like a court. One side says something, the other side cross-examines, and you test the evidence. It is that type of environment.

I can tell you, Ms Carter—and this is another characteristic that is occurring out there—that anyone who is really aggrieved, who feels he has not gotten a proper shake, calls through to the chairman of the board. They write me letters. I have been spending a lot of my time—I will take calls from anybody. They get in touch with the board. I can tell you from the number of those cases—they are there and sometimes it is real, there is no question about that, but I would say they are the exceptions rather than the rule.

Mrs Santo: I would like to add that I would agree with you, Ms Carter, that there is no place for a board member to be rude or unfriendly to an unrepresented member of the public or even to professional members. I am very much a strong advocate that the board is there to be helpful and to assist those who are coming before it to present their cases as best they can, whether they are represented or not.

A lot of it comes with experience, though. If you get young members who have not had the experience or who have not had the opportunity to be trained properly because of workload—often people have been sent out on their own to conduct hearings without the proper training or the proper experience. Sometimes when you are not as confident doing what you are doing, conflicts would arise.

I believe the member should be experienced and trained and there should definitely be an attitude at the board that we are there to assist and be helpful, and there is no place for that. I would be aggrieved, too, if I heard from someone that they did not feel they were given a proper time before the board and felt welcome.

Mr Kruger: In our training we always send inexperienced members—that is why it takes some 18 months—out with somebody else. An excellent case of how we lean over backwards for the unrepresented ratepayer is in Etobicoke. We have let the ratepayers come forward, we

gave them status, everything. We even assist them when it comes to their cross-examination as to how they might ask the questions. The board normally leans over backwards but I hear, and it is true, there are some cases—they are the real exceptions, and I hear about them. I can tell you the general public is not remiss in letting me know.

Mr Colbourne: I was never instructed, by the way. I learned fast on the job that the way you get the hearings accomplished is to try to develop the co-operation of the people appearing in front of you. There are times, when you are challenged, and there are times when you are driving a lot and sitting a lot, that you have those off days, and those are occasions we all have.

The instance of Daniels in Etobicoke was a major hearing and there were a lot of individuals involved who at the first were represented by legal counsel before they got to the final hearing. Then at one of the pre-hearings before the final hearing they were without legal counsel because of funding, I believe the issue was. In those instances the two board members really encouraged, carried and probably extended that hearing considerably to give the ratepayers every opportunity on every issue they raised, and I think some of them were totally irrelevant. That is from my point of view. I did not adjudicate that one, but I think a lot of issues were covered which need not have been covered.

Mr Kruger: In fact, it went more than seven days longer.

Mr Colbourne: There are certainly instances and improprieties on occasion by the board members, but you have to remember that we deal with 2,800 hearings on average in a year. Sure, we are going to have a tough time in a white-out in Walkerton in the middle of winter. We may not be up for every day.

Ms Carter: The other part of my question concerns intervenor funding, which we mentioned just now. Obviously, you do not think it should go to frivolous people and I rather wondered what your definition of "frivolous" would be. You mentioned some people with rather petty concerns that took up a lot of time, but I am particularly interested, for example, in groups of people with environmental concerns which do not affect them personally any more than they would affect the rest of us—this kind of public-concern approach—and whether you think that was a frivolous intervention or that it should be funded.

Mr Kruger: The board has always dealt with environmental concerns. More and more we are dealing with them. We are quite competent to deal with them. The Etobicoke lakefront strip is an excellent example of environmental concerns. In fact, a great part of the hearing is that. When you say groups coming forward that should have intervenor funding—yes, but where is the money going to come from? That is always the question I imagine the government is trying to deal with. Can you impose that on the municipality? You cannot impose it on the groups themselves. Even if the groups were totally frivolous and they were given something, and right at the end we were asked to award costs against them, they are probably judgement-proof anyway. So there are a lot of difficulties. Did you want to add anything to that?

Mrs Santo: In terms of the intervenor funding, I would not like to relate it to the term "frivolous." There would be quite a number of cases that come before the board where you have two individual parties, each with almost equal status in that they are both property owners or residents of an area. It would be very difficult to set criteria as to how you would determine intervenor funding and who would pay for it. The way the Environmental Assessment Board is handling the costs it often ends up being costs at the end of the day. The Ontario Municipal Board has been trying to establish—it goes to your first question of welcoming people by not making them frightened that at the end of the day they are going to have a hefty cost awarded against them. In terms of the funding, I would support it in certain large cases where there is a larger interest rather than individual interests. Criteria would have to be established very carefully, because of the number of cases we handle a year, to make sure there are enough funds to handle that.

Mr Colbourne: On this question of frivolity or frivolous appeals/objections, if we make a determination, we should be making that determination before the hearing comes on. Under the Planning Act we at least have the ability to set aside or not to call a hearing in circumstances where we determine the matter to be frivolous. We have not acted of our own volition in many instances in those cases. We usually respond to an application by the municipality which feels that the objections to a bylaw, for instance, are frivolous. We would respond to that by way of motion, but that is a determination. If we made any determination on "frivolous", we would make it up front and avoid the cost of the hearing.

1140

Mr Kruger: Just to support that, there is a section of our act where we can in fact call it frivolous, but the great difficulty there is, how do you know the thing is frivolous until you hear the evidence? If we lean any way, we lean towards the individuals.

The Chair: Thank you very much. We appreciate your appearance here this morning. Mr Kruger made some reference to statistics. Hopefully, we are going to deliberate with respect to the committee's recommendations dealing with the board prior to the House rising in three weeks' time, so if you have any new statistics with respect to case load, backlog and those sorts of things, and if you could provide them to our researcher, it would be most helpful.

Mr Kruger: We can provide that. With rapid machine-gun fire, I can give them to you now if you want them.

The Chair: No, we are running behind schedule, but if you can supply them to our researcher as soon as possible, that would be most helpful.

Mr Kruger: That is fine. I have no problem with that.

APPOINTMENTS REVIEW

Resuming consideration of intended appointments.

MARIE ROUNDING

The Chair: The next item on the agenda is the determination of whether the committee concurs with the intended appointment of Marie Rounding as chair of the Ontario

Energy Board. As you recall, the vote on Ms Rounding was delayed for one week. The clerk has circulated a letter received from the organization that had expressed some concern about Ms Rounding's appointment, and that was part of our deliberations. That group has now taken a different position based on the testimony before the committee. Everyone has received that.

Mr Grandmaître: Is that what it means?

The Chair: That is the way I interpreted it. You can interpret it in a different manner if you wish.

Mr Grandmaître: I think they are giving up.

The Chair: Mr Waters moves concurrence in Ms Rounding's appointment.

Mr McGuinty: I want to take a few minutes to deal with this. I think it is an extremely important appointment because of the issues we have to address here and also because of the tendency on the part of some people to try to trivialize this as a matter where a woman is not entitled to pursue a separate career path distinct from her husband's, being tied down in some way by her relationship with her husband. I think this goes beyond that and it is important to keep that in mind.

First of all, we should bear in mind that the appointment here is to the chair of the Ontario Energy Board. The function that board carries out is vital to the province. It has tremendous economic repercussions. It makes non-binding recommendations with respect to Ontario Hydro's rates and it makes binding recommendations with respect to the three natural gas utilities that service Ontarians. Every one of us is affected in one way or another by the kinds of decisions the board makes.

The issues here from a legalistic perspective are whether there is an apprehension of bias and whether there is potential sharing of confidential information. I think it is simpler for us to think of this in terms of the old saying that justice must not only be done, it must also be seen to be done.

In fairness to Ms Rounding, she recognized this as a problem. That is why she came to our first meeting armed with a memorandum prepared by her husband and his law firm. There were in fact two memoranda there. Way back in 1984 when this issue was raised by this same group, the chairman at the time recognized this was a problem and asked that Ms Rounding not hear that particular matter. It was also recognized as a problem at the Environmental Assessment Board hearings just a few weeks ago when pretty well the same circumstance arose. At that time the lawyers acting for the Ministry of the Environment filed a 31-page legal factum outlining their concerns and trying to address the issue. The point I am trying to make is that undeniably there is a problem, but that problem, again just to emphasize the point, has nothing whatsoever to do with this woman's competence.

I think the best way to ask the question is, will Marie Rounding's appointment to the board cause a perception problem for the public? Will the public believe that Marie Rounding would be just as impartial in deciding matters involving her husband as would a chair unrelated to her husband? Maybe the simplest way to put it is, if you had to

appear before a judge in a matter that was contested, that was important to you and if you had the choice, would you choose as your judge someone related to the other party or someone not related? I think most of us, quite obviously, would choose to have a judge who was not related to the other party. That is what I am going to be asking this committee to do, to choose someone other than Marie Rounding, someone who is just as competent but who will not bring with her this problem of perception.

Mr Chair, you may recall I asked that we delay the consideration of Ms Rounding in order to hear from the Environmental Assessment Board as it decided on this issue. It made a decision, in fact, on Monday of this week. The board decided, in that particular circumstance, to allow the lady sitting on the panel to continue. I think it is important, when you get a decision, to look at the reasons. I am going to quote from the decision the panel gave. It said:

"Questions of possible conflict of interest or apprehension of bias are not uncommon. When they arise at the commencement of a hearing, they are usually resolved by the judge or a tribunal member deciding whether to withdraw or to continue. That option is not open in this case."

That option is available to us, because nothing has started here. The decision goes on to say:

"At the date the panel was advised of the appointment of McCarthy Tétrault"—that means the date they were advised of this potential problem—"there had been 53 days of evidence comprising over 9,700 pages of transcript. There had been 275 exhibits filed."

1150

In this particular case, nothing has been filed. No evidence has been heard because this lady has not yet been appointed. It goes on to say:

"The hearing of evidence is expected to continue for at least another year and there are many complex issues to be decided. An even number of panellists would make a deadlock on important issues a real possibility. It would be neither reasonable nor practical to recommence the hearing with a new panel or to continue with only two members." In other words, the panel is saying, "My God, look at the mess we're going to be in if we allow Ms Grace Patterson to step down," because it has already heard all of that evidence.

They went on to ask the question in this way: "The question then to be decided is whether in all the circumstances McCarthy Tétrault ought to continue as a representative of" a particular party "at this hearing." They had a very special circumstance. They had an ongoing matter with almost 10,000 pages of transcripts and 300 exhibits filed. We are in a good position here: We are not faced with those kinds of obstacles.

What about this letter we just received from the Industrial Gas Users Association? My colleague Mr Grandmaître raised a good point: What are they trying to say in this? I will tell you what my interpretation is. If I were advising IGUA, I would tell it: "Folks, let's look at the record here. Not a single government member has ever voted against the Premier's choice, so you're going to lose, guys. Be careful. You're going to lose and you're going to have to appear before this chair, who is going to win. So how do you want to play this?"

That is what I would logically infer from this letter. They do not say in this, in any kind of explicit way, "We're satisfied with the steps she's taken." They just said, "We've decided not to pursue this matter any further." That is my interpretation of this letter from IGUA.

The good news is that there are other very competent people out there quite suitable to carry out this function. I think it is a sad commentary that we do not have knowledge of who those people are. I know of two of them and I am quite confident in saying that the government members do not know who those people are. That is one of the sad things about this committee. Our mandate, as the Premier set it out, is to get the best possible person for the job and we are in a position where we are simply incapable of carrying that out.

I am going to refer to the last line of the statement made by the Premier in the House on Monday, December 10, 1990. It reads, "I believe we can ensure fairer selection of the best possible candidates." I ask the government members to ask themselves whether they are certain this is the best person for the job. I think the answer has to be no, as it generally has to be in all of these committee hearings and our reviews of appointments, because we do not know who the heck else we are comparing this person with. We just have not had that information before us. We never know, and that is critical. That is a critical problem with the committee and has been there since the outset.

Government members may notice that I generally do not vote in favour of appointees and I generally do not vote against them. That is because I do not know if we have the best person for the job. Now the government members always vote—unless I am mistaken, and maybe they can correct me later on when they have their turn to speak—every one of them, in favour of every single appointment put forward by the government.

I prefer to abstain, because I simply do not have the information. There have been some exceptions, but as a general rule I abstain. I vote against them if there is a glaring problem, and I think there is in this one, especially in light of the fact that we have equally competent alternatives available.

When the government members vote in favour, they are saying, "We are absolutely certain this is the best possible person for the job." They are giving their stamp of approval and their guarantee. I can understand why. There is party discipline involved. Anyone with any political ambitions must toe the party line. Ron Hansen is a case in point.

I issue the warning that at some point political appointees can cause you problems. We have experienced that in the past. At least I want to put myself in a position where I will not have endorsed this person as the best possible candidate, but you, on the other hand, are always making that endorsement, notwithstanding a complete absence of information before you.

You should understand that your constituents will not be satisfied and they will not be sympathetic when you say, "I had no choice but to make the appointment." John Turner tried that once. It did not get him very far. I know what the Premier will say: "Listen, the final responsibility lies with the committee. It is not with me. We put it

through the committee. They vet it, so if there is a problem, look to the members of the committee."

The point is that every week government members vote in favour. Every time there is a vote, they vote in favour of the appointee. There is apparently never a doubt in their minds. They are always certain they have the best possible person for the job, even though they do not know who else was in the running. That is fine, but sooner or later, that is going to catch up with you.

I want to make it clear at this time too for purposes of the record that although we have not had recorded votes here, to my knowledge—again, I stand to be corrected by government members if I am mistaken in this regard—not a single member has ever voted against the Premier's choice. They have thereby endorsed that candidate as the best possible person for the job. I cannot, for the reasons I have given, support Ms Rounding's appointment and I want to make it clear for purposes of the record that I specifically chose not to support it. I am going to ask for a recorded vote.

The Chair: Mr McGuinty, we have had a couple of recorded votes during the life of this committee in respect to appointment reviews, but you are right, it is rare.

Mr Wiseman: I would like to make a few comments. Mr McGuinty, prior to this process being implemented, there was never any chance of anybody ever talking to or asking any question of any appointment made by your government when it was in power or by the Tories previous to that. So this process is new and is far more open than anything that has existed in the past. I think that is an important point to remember when you criticize this process, in so much as it has already afforded a number of opportunities to question people that would have been done behind closed doors and sprung on the public in a very uncontrollable way in the past. We have had cases clearly indicated where the previous government appointed people who lived in Florida to different boards and commissions and so on.

I do not think your criticism of this process, which is far more open than it has ever been in the past, is valid. What we should remember is that when we have these appointments before us, we are not being asked to do a comparative analysis, something that certainly you would never have allowed in the previous government. What we are being asked is the fundamental question of whether the appointment before us can capably fulfil the requirements of the job he or she is being asked to do.

I agree with you that sometimes when people come before you, you think they can do the job and can do it well and it turns out that, in the long run, they cannot. If you have ever fired anybody, then I think you will have to look into your own soul and say, "Nobody's perfect." This committee is not perfect. It may well be that some people we appoint here, who have done an excellent job here on the surface, have turned out not to do a good job. Time will tell on that. I do not think that is a valid reason for condemning the process as it exists now, on a speculation of what might or could be.

I will say for you that you have done an excellent job, as lawyers normally do, in terms of presenting the case

you want to present. However, within the framework of the debate it is always important to put forward your best points while admitting those points that may not support you. We know, for example, by the document that we have received from Ms Rounding, that she and her husband and the legal firm have entered into blind cones, as they are called, and that he will not appear before the commission representing anybody.

The possibility that the firm may at some point represent somebody before the commission and that she might be on that tribunal is very remote, given that she would be only one and it is done on a rotation basis. There is a remote possibility that she could, but I would love to know what the odds makers would put on that in terms of the odds that she would be the one who would rotate into that specific place at that specific moment to be one of three people ruling on the case, and in the framework of those odds, that she would be called upon to be the person to cast the deciding vote, even given—I asked her that question—that it was done mostly on a consensus basis anyway and does not quite work out that way.

I would like to refer to the decision made by the Environmental Assessment Board on November 25. “‘The spousal relationship in the circumstances does not create a reasonable apprehension of bias.’ and;

“‘[the] procedures [described by McCarthy Tetreault] will be put in place and will be adhered to, and that [the firm] can continue to represent AECL at the hearing.’

“In making its findings, the chair of the panel, Mr Justice Saunders, noted that:

“‘[Its] decision [on the approvals being requested] will be made by three panel members. In such circumstances it would be extremely difficult for a panel member, either consciously or unconsciously, to make a decision based on improper considerations’; and

“members of the panel were professionals and it is reasonable to expect that members would honour their duties and responsibilities.”

1200

To conclude, I think it would be somewhat insulting in the extreme to say that Ms Rounding and the legal firm of Osler, Hoskin and Harcourt would not represent themselves in a professional way.

Finally, to go back to the Industrial Gas Users Association's letter, you did not quote the section stating the Industrial Gas Users Association board of directors “has reviewed Ms Rounding's statement of November 20 to the committee and Mr Atkey's memorandum to his firm's managing partner of November 15 and has decided not to pursue this matter any further,” clearly indicating there is something in the statement that has given them

cause to suggest that the concerns they originally had are no longer concerns, or at the very least they are prepared to live with the word of both the firm and Ms Rounding in terms of accepting that every avenue will be taken to prevent any kinds of conflicts or any kinds of perceptions of bias entering into the process.

Therefore, given that you have already admitted that Ms Rounding has the qualifications and the historical responsibility of being in these positions before and is quite capable of doing the job, I would move that this nomination be accepted.

The Chair: Is there any further discussion? I know Mr Grandmaitre wanted to be on the record on this, but he had to leave the room for a moment. If you will be generous we will give him one minute to get back in here, and if you do not want to show generosity I will call the vote.

Mr Waters: I would like to say something for the record. I keep hearing that this system is flawed and it is no good and the old system where everything was secretive was so much better. I have to remind you that this is the first time ever that the bookstore has had a best seller. The government bookstore is sold out and has to run reprints already of the agencies, boards and commissions book. There are literally thousands of applications to sit on agencies, boards and commissions. People like the system. I do not understand why my friend across the way keeps harping that the system is wrong when the public out there seems to like the system. I am getting a little bit tired of it all.

The Chair: We have a motion from Mr Waters for the committee to concur in the appointment of Marie Rounding as chair of the Ontario Energy Board and we have a request from Mr McGuinty for a recorded vote.

The committee divided on Mr Waters's motion, which was agreed to on the following vote:

Ayes—4

Carter, Frankford, Waters, Wiseman.

Nays—2

Grandmaitre, McGuinty.

Mr Wiseman: I would like to make an additional comment on this. Mr McGuinty, in his comments, said he would not vote because he did not have the feeling he had enough information on any of these to vote. I think it is appropriate to note he decided to vote on this issue.

The Chair: That concludes the committee business. We have a subcommittee meeting, I remind the members of the subcommittee. The regular meeting is adjourned.

The committee adjourned at 1206.

CONTENTS

Wednesday 27 November 1991

| | |
|---|-------|
| Agency review: Ontario Municipal Board | A-701 |
| Canadian Bar Association—Ontario | A-701 |
| Ontario Municipal Board | A-701 |
| Appointments review | A-713 |
| Marie Rounding | A-713 |

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Standing committee on government agencies

Appointments review

Comité permanent des organismes gouvernementaux

Révision des nominations



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Table of Contents

Table of Contents for proceedings reported in this issue appears at the back, together with a list of committee members and other members taking part.

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Table des matières

La table des matières des séances rapportées dans ce numéro se trouve à l'arrière de ce fascicule, ainsi qu'une liste des membres du comité et des autres députés ayant participé.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 4 December 1991

The committee met at 1006 in room 228.

APPOINTMENTS REVIEW

Resuming consideration of intended appointees.

JOHN DEWAR

The Chair: The first matter on our agenda this morning is the half-hour review of intended appointee John Dewar to the Commercial Registration Appeal Tribunal. Mr Dewar, would you like to come forward, please, and take a seat. Welcome to the committee. This is a half-hour review and we split it up 10 minutes per party. You have been selected for review by the official opposition, so I am going to look to Mr Grandmaître to begin the questioning.

Mr Grandmaître: Good morning, Mr Dewar. Have you ever appeared before this tribunal?

Mr Dewar: No, I have not.

Mr Grandmaître: How familiar are you with this tribunal?

Mr Dewar: I would guess not really familiar. I have heard a little bit about it. I am not familiar with the tribunal at this point.

Mr Grandmaître: How did you find out about the vacancy on the tribunal board?

Mr Dewar: Through the Used Car Dealer Association of Ontario. We have an office and staff in Toronto. I am not sure if you are familiar with Bob Beatty, but he is our manager and he told me about this. I thought it sounded interesting and I might be able to contribute something to the industry.

Mr Grandmaître: What is your experience in conducting hearings or conducting meetings? Tell us about yourself as a businessman.

Mr Dewar: As far as conducting meetings is concerned, I spent about eight or nine years with the Transportation Safety Association of Ontario. My job was as a field representative and to organize and carry out safety meetings and safety training and that type of thing, so I have had a little bit of experience.

Mr Grandmaître: I was going to ask you if this tribunal is serving the consumers well, but I suppose you would not be able to answer my question.

Mr Dewar: I would not be, no. At this point I do not know.

Mr Grandmaître: This tribunal is funded by mandatory contributions from motor vehicle dealers and I want to find out how this works. What are the mandatory contributions from dealers?

The Chair: David, are you familiar with that?

Mr Pond: The witness is an expert in the field of motor vehicle dealers, and I believe his responsibility will

be to hear appeals from the motor vehicle dealers' compensation fund. Consumers who have a claim against the fund and are dissatisfied with the decision can go all the way to the tribunal. The fund itself is funded by a mandatory contribution from motor vehicle dealers. The tribunal is not. The tribunal is a quasi-judicial tribunal which is funded out of the ministry. The fund is funded by the industry, so to speak. It is a self-regulatory mechanism, if you like, but I believe the tribunal is funded by the ministry and fees. It is one of these fee-collecting tribunals, like most quasi-judicial tribunals in Ontario. It would probably be a bit misleading to say it is funded directly by one industry over which it has jurisdiction. It is probably more correct to say it is funded simply by fees paid by the litigants who appear before it.

Mr Grandmaître: Oh, I see.

The Chair: Anything further?

Mr Grandmaître: So you cannot tell me anything about the appeal tribunal at all?

Mr Dewar: I can tell you a little bit about it. I guess a case would be if some dealer did something seriously wrong and it was considering cancelling his licence, then the tribunal would sit and decide if it felt that whatever had happened was serious enough that the person's licence should be cancelled or whether he should be given another chance.

Mr Chiarelli: I have just a couple of questions here, Mr Dewar. It is called the Commercial Registration Appeal Tribunal. Do you know generally the range of registrations or permits or licences that are covered by this particular appeal tribunal?

Mr Dewar: I do not know. I am under the impression that it would only be automobile dealers.

Mr Chiarelli: What would be the nature of the decisions you would make if you were to be given this appointment and you were to sit on a hearing? What is the range of decisions you might be required to make?

Mr Dewar: I do not believe I could answer that question at this point because I have not been involved with the tribunal.

Mr Chiarelli: Do you have any idea of the nature of the penalties or the consequences that could accrue to registrants who are appealing and are refused licences or permits or whatever? Could they be banished for life? Could they be given fines? Could they be denied a right to their livelihood? Do you have any idea of the consequences and the nature of the decisions you will be making?

Mr Dewar: Yes. Again, depending on what the person had done—I realize that if his licence were suspended you would be affecting his livelihood, but I feel the reason for the tribunal would be to make the car industry a more

respectable industry and have more people do things right. It would be brought to their attention, if they were doing something wrong, just how serious it could be.

Mr Wiseman: I would like to talk a little bit about the changing role of car dealerships. You and I were chatting before and I told you I have a new car. I used to like to do all the mechanical work and the oil-changing and all the tune-ups and everything myself. I do not think I can do that with the new cars.

Mr Dewar: It has become much more technical, and when you are purchasing a car it has to be safetied by a registered dealer with licensed mechanics, so you cannot do a lot of your own things.

Mr Wiseman: I think CRAT may start to have hearings from people who are questioning the assessment of the mechanic, because these cars are now hooked up to computers and everything, and how are they going to be able to differentiate between what is an honest analysis of what needs to be done to the car and maybe something that is being padded? Do you think that might be a problem for CRAT in the future?

Mr Dewar: How you assess or how do you decide in any field?

Mr Wiseman: But as a person on the panel you may have somebody coming and making allegations about a dealer who is consistently overcharging in terms of his diagnostic analysis of the vehicle and I think you are going to have some kind of judgement in that area.

Mr Dewar: I am not sure of the strength of the panel, but if this were the case, I guess you would do a study of this particular operation and, being in that field, you could work out an average of what seemed fair. If this fellow had a list of files that were all double or triple the average, then I think he should be talked to and a decision would have to be made from there.

1020

Mr Wiseman: The GST is throwing a wrinkle into the whole used car business. Perhaps you would like to describe what that wrinkle is, and whether or not CRAT might be able to deal some of these so-called curbsiders.

Mr Dewar: We have an association, the Used Car Dealers Association of Ontario, with, I would guess, about 5,000 members, and we have a committee within this association doing a lot of work on that right now. If a dealership sells a car, it has to collect GST. If a private individual sells a car, he does not collect GST.

If we buy a car from an individual we get an input credit. But that becomes very complicated and cumbersome and hard to explain to an individual. People seem to have the thought in their heads, "If I buy it privately, I do not pay GST and if I buy from a dealer, I do pay GST."

Mr Wiseman: What is there to protect the consumer if they buy from a curbsider?

Mr Dewar: Nothing, and that is one of the things, as dealers, we are using to try and bring people to dealers. We provide a warranty, we guarantee the vehicle to be lien-free and that the car has been properly safetied and is road-

worthy, where if they buy from a private individual they do not have any of this.

Mr Wiseman: Are you aware of any dealers actually selling vehicles and professing to be private individuals and yet their salespeople are selling these vehicles?

Mr Dewar: I am not aware of any dealers doing this. But I am aware, and it is a pretty common thing in our industry, that an individual on the street can be selling his uncle's car, his mother's car or his brother's car, and if you pay close attention you will find that this person sells 10, 15 or 20 cars in a year. What he is really doing is buying and selling without a licence, and they find ways to get around the tax.

There is a move afoot by the Used Car Dealers Association of Ontario to try and get rid of these curbsiders. At the UCDA office, they do a study of newspapers and if they see the same phone number coming up ad after ad where it is a private car, they check this person out and see what he has been doing and where all these cars are coming from.

Mr Wiseman: If that would lead to a dealer or somebody who worked for a dealer doing this kind of thing, would CRAT have a role to play in reviewing the licence of that particular salesperson or that dealership?

Mr Dewar: I would think yes. If a registered salesperson for a dealership was curbing on the side, they would look at him and see how serious, how long or how much of this he has been doing. I guess it could lead to his licence being cancelled. Like your driver's licence, if you continue to speed, they are going to cancel your privileges for a while, and if he continued to do this and had no intent to correct it, then they would have to take whatever measure might be necessary.

Mr Wiseman: I have more questions. You have been in the car dealership a fair length of time, I see from your résumé. From 1955 until 1968, you were with Meredith Connelly Motors in Sudbury and then from 1968 to 1975 with Fairway Mercury Sales and then 1975 to 1980 with the Transportation Safety Association of Ontario here in Toronto. Now you are the owner-operator of your own sales outlet. So you have had quite a long history in this business and I guess you have seen a lot of changes. Do you foresee any difficulties or any changes coming that CRAT or the government should be concerned about that are starting now?

Mr Dewar: The only change I see, and our association is working on it, is the GST. If an individual is going to sell a car, the licence bureau would have to collect the GST when the transfer is made, the same as they collect the PST. The problem now is that the government agencies will not collect GST in Ontario at the licence bureaus, but they are working on maybe putting this into effect. That way it gives the dealer a better shake, because you can buy the same car from your neighbour for \$10,000 plus your Ontario sales tax, where if you buy from a registered dealer, you are paying another 7%, which means \$700. It becomes worthwhile.

Mr Wiseman: We were talking earlier about what happens sometimes with the PST.

Mr Dewar: Yes. Our used car dealer association is working on this as well. What happens is, an individual will buy a car from another private individual. First, they do not pay the GST. Second, they will say, "Okay, the car is \$10,000, and you will pay 7% sales tax at the licence bureau." The next question the buyer will have is, "How about I pay you \$4,000 cash and a cheque for \$6,000, and then we make the bill for \$6,000, and then I only pay sales tax on the \$6,000?" The \$4,000 does not show up anywhere, so the province loses. Our association is working on this to try and get it straightened out so that most cars go through a dealership.

The Chair: Do you have one more quick question?

Mr Wiseman: What strengths do you bring to the tribunal in terms of your background and your own attitudes towards cars, the sale of cars and dealerships? What skills and qualities do you bring to this that are going to make this panel better because you are on it?

Mr Dewar: I guess the skills of being in the business for some 30 years. I have always prided myself in trying to do it the right way. In 30 years, you see all the wrong ways. So I think, knowing the difference between the two, hopefully we could correct or penalize the people that are not doing it to code.

The Chair: Mr Chiarelli, you have about two and a half minutes, if you want to use it.

Mr Chiarelli: It is my understanding that your appointment is a general appointment to the tribunal. Although it is being made ostensibly to deal with panels for the motor vehicle dealers' compensation fund, it would still be possible for you to be selected to sit on hearings dealing with other industries.

The tribunal itself deals with a wide range of legislation, licences and business practices, including the Cemeteries Act, the Collection Agencies Act, the Consumer Reporting Act, the Funeral Directors and Establishments Act, the Liquor Licence Act, the Mortgage Brokers Act and the Motor Vehicle Dealers Act, which you will have some familiarity with.

The briefing notes indicate that the tribunal is an important, if low-profile, quasi-judicial tribunal that exercises significant influence over commercial practices in the province. Members of the tribunal need to have or acquire insight into the operation of a wide variety of businesses and professions and be able to conduct a hearing which abides by quasi-judicial procedures.

Do you think you would have an obligation to restrict yourself to the motor vehicle dealers' compensation fund? Or do you think it would be reasonable and appropriate for you to accept sitting on a panel, if you are asked, dealing with the Liquor Licence Act or the Mortgage Brokers Act? Would you volunteer to disentitle yourself to sit on hearings that require an expertise in areas other than those you are familiar with?

Mr Dewar: I think not. I think automobile people would sit on automobile cases. Knowing nothing, or very little, about real estate or all these other fields and how they operate, I think I could not accept a position to judge something I know nothing about.

Mr Chiarelli: Thank you.

The Chair: Mr McLean, you arrived just in time to take advantage of your 10 minutes if you wish. Mr Dewar is an appointment. You are going to pass? All right. Mr Dewar, that concludes your grilling for the morning. We thank you for your appearance and we wish you well.

Mr Dewar: Thank you very much.

1030

JOHN WALKER

The Chair: The next intended appointment is John K. Walker, who is the intended appointee as the public director of the Toronto Futures Exchange Board. Mr Walker, would you come forward please. Welcome to the committee. We appreciate your appearance here this morning. You have been selected for a half-hour review by the government party. We allocate 10-minute slots to each party for questioning. We will look to the government party to begin questioning.

Mr Wiseman: I have a little bit of knowledge, about this much, about the futures market, so I have some questions. The first is, what is the relationship of the Toronto Futures Exchange to the Chicago commodity futures exchanges and how do they interact with one another?

Mr Walker: I do not think they interact at all. I am not aware that they do.

Mr Wiseman: But would not prices being determined in the Chicago futures market have an impact on prices in Toronto?

Mr Walker: I would think the usual thing is that brokers will interact between different markets, but I am not aware that there is any interlinking of the Toronto futures market with the Chicago. Second, the Toronto futures market, so far as I know, would be dealing at the moment only with silver futures and I am not aware that those are traded in Chicago. They would be traded in other metals markets.

Mr Wiseman: I guess the Toronto futures market is looking to expand and at some point it would want to get into those kinds of commodities.

Mr Walker: Yes.

Mr Wiseman: Then your role within the Toronto futures market would be as an overseer? What would your role be?

Mr Walker: The board of directors is there to oversee the management of that market to ensure its fairness and equity and that it is conducted in a businesslike way, but without prejudice to the people who are using it. The role of the board of directors is to monitor the management and monitor the market to ensure that fairness and equity are observed.

Mr Wiseman: About a decade ago, silver went right through the roof in terms of price.

Mr Walker: The Hunt brothers.

Mr Wiseman: Yes, the Hunt brothers had manipulated the market because they controlled huge capital accumulations and were able to speculate in the futures and do all of those kinds of things. Would you be responsible for

looking at that in trying to protect the other consumers from that kind of game?

Mr Walker: I believe there is a compliance group, and I cannot quote you the rule the Toronto Futures Exchange has, but it would be the equivalent within a stock market of trying to acquire all the shares of a particular corporation. There are rules that prevent you making that accumulation without declaring your interest. I am not aware of what the rule would be in the futures exchange, but I presume there is a rule that would say that if you were to try to indulge in immense speculation in silver that there would be a discipline procedure to investigate and to determine who is suddenly extremely active in the market. I am more familiar with the operation of the stock exchange, and certainly when there is extreme activity, there is an immediate investigation to determine where it is coming from and why.

Mr Wiseman: That brings us to insider trading then, does it not?

Mr Walker: Yes.

Mr Wiseman: So you would be overwatching and trying to protect the consumer against people who have insider information about what a stock is going to do.

Mr Walker: Yes, that is true. I was going to say there is not an interest, but certainly there is. It is more difficult to see that in silver. It would be true in a very general degree in the trading in the Toronto Stock Exchange index futures. It is such a broadly based market that the activity in any one stock would seem to be almost irrelevant.

Mr Wiseman: In the Chicago futures, I think it is in grain, there are seven major companies in the world who deal through the Chicago exchange for grain, but there is also a group of commodity traders who have commodity groups that buy and sell futures in the Chicago exchange.

What happened was that one group had been accused of overbidding and bidding the price too high, and they were going to become vulnerable in terms of their price, so what they did was they had other parts of their organization come in and hedge their purchases so that the loss would be bottomed out. Instead of the price dropping to where it should have gone in terms of a regular market supply and demand, they were able to hold it at a certain level and then sell some of it off in order to protect their interests.

Strictly speaking, I have a bit of a problem with people being able to do that. Would you be able to watch that, to make sure that kind of internal manipulation of the market is not happening?

Mr Walker: Certainly the function of the exchange is to monitor and see that there are not those internal manipulations of the market.

Mr Wiseman: Who sets the rules on the exchange?

Mr Walker: The rules are set by the board of the Toronto Futures Exchange. They approve the bylaws and the regulations that are issued to the members.

Mr Wiseman: But the people who form the board who are in the stock exchange, they have to purchase, in an open bidding, their position on the floor, and presumably their position on the board.

Mr Walker: They purchase their seat on the exchange, yes, and then are elected among the members to be on the board.

Mr Wiseman: Is there any connection between the Ministry of Financial Institutions and the formulation of the rules of the stock exchange?

Mr Walker: There is certainly a notification and a monitoring procedure. I am not sure what the discipline is that can be imposed.

Mr Wiseman: Sorry, I missed that last part.

Mr Walker: I am not sure what the power is of the minister to step in and say to this exchange, "Thou shalt not have a particular rule," or that, "You must have a particular rule." My understanding is that the bylaws are all forwarded to the ministry.

Mr Wiseman: So it is an arm's-length relationship, really?

Mr Walker: I believe it is.

Mr Wiseman: A self-regulating arm's-length relationship.

Mr Walker: It is a self-regulating body, and the intent is that it be that. There is also a Commodities Exchange Act, which is administered by the Ontario Securities Commission. Under that act I believe there are some control procedures that would apply to the Toronto Futures Exchange. I think you would look to the Ontario Securities Commission as the government watchdog with respect to the operation of the self-regulating exchange.

Mr Wiseman: Some changes have been made over the last few years in the regulations of the Ontario Securities Commission, have there not?

Mr Walker: There has been a continual process of change.

Mr Wiseman: Were they not loosened up a little in terms of accountability?

Mr Walker: I am not aware they were loosened. Generally the direction is toward increasing accountability, continually.

1040

Mr Waters: I find it quite fascinating, so I am going to ask the one question, what would ever possess a person to take on a job like this for no pay?

Mr Walker: I was asked if I would be willing to do it at the point in time when I was about to retire as an active accountant, and I thought this would be an interesting thing to do. When I realized I had this committee to answer to, I was beginning to ask myself the same question.

Mr Wiseman: Since it was my selection to have you come here, I was interested just to ask the questions I asked, just for information for myself so I could be better informed. There is nothing you have to worry a whole lot about.

Mr Walker: One of the things that are certainly true is that when the job is one that does not bring with it some compensation—I do not mean that there is any indifference on my part, because I would not intend that. At the

same time, it does produce a certain ease in terms of answering whatever questions you would like to ask.

Ms Carter: This is a public appointment to a private agency, and I wonder if you know the process by which you were selected and whether there was any political involvement in that process.

Mr Walker: First of all, there is no political involvement that I am aware of, certainly none that I could be aware of. The process is that the president of the Toronto Stock Exchange and the president of the Toronto Futures Exchange co-chair a nominating committee to recommend the names of the two public governors who serve with the elected members on the board. Through my activity in prior years before I retired I was known to people within the Toronto Stock Exchange. My name was known. It was known that I was retiring, and it surfaced through those connections, I presume.

Mr Chiarelli: I have a couple of questions more general in nature. Do you have any personal sense or opinion of the economic or public good that dealing of futures generates for the economy of Ontario or for the public in Ontario? What is going on here? What benefit is this to the Ontario or Canadian economy?

Mr Walker: Historically, I think commodities exchanges started with the farming markets. Indeed, if you were a consumer of great quantities of grain there was an opportunity to fix either pricing of your major supply by buying a future in the market, or if you were a producer of the grain, you could sell it in future and produce it as you go.

Closer personal experience has been with mining companies who have, from time to time, sold their product forward. That is, if you are in the silver-producing business and your operating plan is to produce 10,000 ounces of silver over the next three months, in order to fix the price so you know what is coming in, you can sell futures in the market.

At the same time, if you were on the other side of the transaction and you were a consumer of silver, you can do the same thing. If you were taking on orders and you want to fix the price of your major commodity in the supply, you would buy futures and thereby fix the price for a foreseeable future to match up with the orders you are taking on the other side.

It has two aspects in truth, I think. One is a very secure service in providing an ability to hedge so that people are not at risk in the commodity transactions they are undertaking, and yes, on the other side of it, if one moves into it one can be a speculator and simply move in, which may help the liquidity of the market. But certainly the basic function would be to provide a hedging opportunity.

Mr Chiarelli: Who are the common buyers and sellers of futures in Ontario?

Mr Walker: The futures we are dealing with here in silver would certainly be people who are in the producing business. When you ask who the common buyers and sellers are I do not know the answer to the question, in truth. That is, if you were to try to determine which are the—

Mr Chiarelli: I will tell you basically what I am looking at. To what extent are individual consumers involved

in the futures market, as some individual consumers are involved in the Toronto Stock Exchange, for example, buying and selling shares? How many individual lawyers, dentists, doctors, etc., are going to their brokers to buy and sell futures? Do you have any sense as to to what extent there is that much involvement?

Mr Walker: I have no information on that, I am sorry. I cannot even venture a comment as to what proportion of the market that might be.

Mr Chiarelli: Do you have any sense of whether there are sufficient enforcement regulations to protect consumers and the public in the trade of futures?

Mr Walker: The protection that is there is in the fairness of the market. If an individual chooses to use the market to invest or speculate, there is no reason I am aware of to prevent the individual from doing that. The safeguard that is looked for is to be sure that if you were on the other side nobody is going to leave you hanging with an inability to complete a transaction.

The safeguard that is there is in the terms of margin. If somebody wishes to take a position, you have to put up some serious money and you put up the money in order to protect that position. But you are really protecting the position of the people on the other side. You cannot simply trade in futures without investing some money upfront, but that is to secure the other side so that you do not enter into a transaction which you are unable to complete.

Mr McLean: Futures is something that you can make money at and you can lose money at.

Mr Walker: Yes.

Mr McLean: I just congratulate you for offering your services for this position. You are to be commended for that and I wish you well.

Mr Walker: Thank you very much.

The Chair: Thank you very much, Mr Walker, for appearing before the committee, and good luck with your new responsibilities.

Now we come to the point where we can either have a motion to concur with the appointments on an individual basis or take both appointments, or we can, at the request of one member, defer for one week. What is the wish of the committee? Do we wish to deal with these appointments this morning? No problem with one motion? Can I have a motion?

Mr Wiseman moves that we concur with the appointments of Mr Dewar and Mr Walker. Any discussion on the motion?

Mr Wiseman: I would have loved to have talked to Mr Walker for another hour and a half, because he has a lot of information.

Motion agreed to.

SUBCOMMITTEE REPORT

The Chair: The next item of business is the subcommittee report. There are a few possible complications that have arisen. As you are probably aware, the swearing-in of the new Lieutenant Governor takes place next Wednesday. I think all three caucuses have been asked to sit in on

the ceremony. That is going to create some difficulty, but apparently one of the—

Mr Grandmaître: Does this mean the Lieutenant Governor waits?

The Chair: I do not think so, not for us. Maybe for you personally. One of the intended appointees for review—I turn to the clerk—the second one, to the Ontario Securities Commission, Ionne Stromberg, has indicated that she cannot attend on this date.

What I am going to suggest is that if we can arrange it we ask Wendy Spottiswood, who is the selection of the government party, although that is going to create some difficulties too. That is a one-hour review. We are dealing with moving Spottiswood up but that is still going to create some problems because she is a one-hour review.

Mr Wiseman: How can you do that? You did not finish your thought on the December 11. I understand the Lieutenant Governor is being sworn in at 11 o'clock.

The Chair: At 11 o'clock.

Mr Wiseman: Which would necessitate only a half-hour from 10:30 and then the cancellation of the rest of the morning.

The Chair: Yes, but what I am looking for is direction from the committee in respect to Wendy Spottiswood, specifically from your caucus. You have asked for a one-hour review. We could move her up to 10 o'clock but we would only have a half an hour rather than the hour requested.

1050

Mr Wiseman: I do not know. There are a number of questions—

The Chair: Or we could try and delay her.

Mr Wiseman: To bring her all the way in from Kenora for a half-hour review—

The Chair: Yes.

Mr Wiseman: I felt it would be important to review Ms Spottiswood given that we, as a caucus, have asked for a review of the Ontario Northland Transportation Commission as part of our agency review and felt that it would be worthwhile having the recommended chair—I think she is going to be the recommended chair—come before the committee prior to the review.

Mr McLean: She lives in the north? Does the Northland cover that area?

Mr Waters: You have to remember that it is more than just a train.

Mr McLean: It is the buses.

Mr Waters: And the planes.

Mr McLean: They have just bought Gray Coach for \$7 million.

Mr Wiseman: Our committee is prepared to waive the review of Spottiswood given that we will be reviewing the entire agency later on.

The Chair: We have to waive Stromberg as well because she is going to be out of the country until December 20, I am advised.

Mr Wiseman: We do not have any difficulty with that.

The Chair: What we are going to be doing next week then is simply the Ledgister review and then we will break for the swearing-in of the Lieutenant Governor.

Mr McLean: We will not be coming back after the break?

The Chair: We do not have a subcommittee meeting scheduled today. I am just wondering if we can have a quick subcommittee meeting after the adjournment of this meeting to review the order-in-council appointments and try to firm up the schedule for the following week.

Mr Wiseman: I have a meeting at 12 o'clock. I would have to be done so that I can get to the meeting. It would take me about five or 10 minutes to get there.

The Chair: Hopefully we can start the meeting at around 10 to 12. Are we in agreement with the subcommittee report as altered? Agreed.

We will move on to the next matter on the agenda. That is the closed session review of the draft report. We had a division here in respect of whether we should go into closed session. There was some discussion about this, Mr Grandmaître. I do not know if Mr McLean was present. Mr Wiseman felt we should go in camera for discussion of the draft report. If we still have that difference of opinion, we are going to have to have a motion to move in camera. What is the feeling of the committee?

Mr Grandmaître: My personal feeling is that we should not go in camera.

The Chair: Mr McLean, how do you feel?

Mr McLean: I feel the same way. I see no reason to go in camera.

The Chair: Okay. Can I have an opinion expressed by the government party?

Mr Wiseman: We do not think it is a problem.

The Chair: Okay, this will be dealing with the draft report on TVOntario and on the Eastern Ontario Development Corp. Perhaps we can deal with EODC first. It is probably the easiest one. Everyone has the draft report before them. We will ask David to lead off and then we will open it up for discussion.

EASTERN ONTARIO DEVELOPMENT CORP

Mr Pond: The new language I was requested to draft at the last meeting at which we discussed these two agencies is indicated in shaded ink. Regarding the Eastern Ontario Development Corp, that appears on pages 31 and 32. As I say, it is in shaded ink so it is easy to pick out. The non-shaded parts have been approved already.

Mr McLean: I see the additions that have been made and I find them in order. I do not see anything wrong with them. I think they are good. The tourism designation has been included in there and I think that is right and proper. The people should be informed when their application clears the approval process, so I think the legislative assistant has done a good job. I accept it.

Ms Carter: I would like some clarification of page 32 where it is dividing it into two sections. Is this going to be

two totally independent bodies so that we now have four things instead of three in total? And where would the headquarters be and how would this work?

Mr Pond: If you recall at the last meeting, the original draft language arising out of the original in camera discussion was that the Eastern Ontario Development Corp should be restricted to operating within the jurisdictions set out in the statute. The whole issue is of course that the EODC has sort of expanded.

At the last meeting on November 6 this language here was recommended by the members as the compromise, that the EODC stay within its expanded jurisdiction—so we are not going to interfere with its expanded jurisdiction—but that it split up, within its expanded jurisdiction, into two branches. The concern was that, for the members who are from what is historically known as eastern Ontario, the corporation not neglect them in its expansion westwards towards the GTA. So this is the compromise.

Ms Carter: Where will the boundaries of central/eastern go to? Will they include the Durhams and Oshawa, or where are we at with this?

Mr Pond: That is up to you, obviously, but the suggestion was that Peterborough be the boundary.

Ms Carter: Yes, that is clear. But I am just wondering how the rest of it works.

Mr Pond: That is up to you.

Mr Grandmaître: I think we should be—by the way, Jenny, that was a very good question, because as I pointed out some weeks ago, anything east of Bay Street was considered eastern Ontario. It should be better defined. I suggested that we use the Ministry of Municipal Affairs' definition of eastern Ontario, and that is, eastern Ontario would start at Hastings or would include the riding of Hastings east to Renfrew, if I am not mistaken. Other ministries are using that definition of eastern Ontario so I think we should have one definition.

Ms Carter: This is what we said before, but we have not gotten to that point, have we? We have not worked on that so that we have an agreed definition.

Mr Grandmaître: I suggest that we use the Ministry of Municipal Affairs' definition of eastern Ontario boundaries.

1100

The Chair: Are you suggesting that as an amendment to the draft report?

Mr Grandmaître: If need be, yes.

The Chair: So I would look at that as the final recommendation, where David has said the government should consider introducing a uniform definition of eastern Ontario.

Mr Grandmaître: Which all ministries would be required to adopt.

The Chair: We could be more specific and say the government should adopt the Ministry of Municipal Affairs' definition of eastern Ontario, because this should apply to all ministries of government.

Mr Grandmaître: That is right, because they use it for grants and so on and so forth and also for programs. All ministries should be using—

Ms Carter: Now we have this new thing, central eastern Ontario, and we said Peterborough is the dividing line between eastern and central eastern, but how far west does central eastern go?

The Chair: This sort of muddies the waters. I wonder if we should simply express our concern about the definition, that when we are talking about a uniform definition, it should apply to all ministries and agencies of the government. That would impact on EODC as well as all other agencies of government. Rather than trying to say central, eastern and—as you say, we are kind of muddying the waters.

Ms Carter: But if you have gone into a category called central eastern, you would expect it to go further west than something called eastern Ontario, even if you had agreed on what that was. You see my point?

The Chair: My point is that perhaps we should consider just pulling that out of there altogether and simply expressing the concern that came up during the hearings about the definition and then make the final recommendation as suggested by Mr Grandmaître.

Mr Waters: Can you read that recommendation back again? What they are talking about?

Mr Grandmaître: Municipal Affairs has its own special definition of eastern Ontario, northern Ontario and central Ontario when it comes to municipal grants.

Mr Waters: Gee, there is one for central Ontario? I have got to find that one.

Mr Grandmaître: There must be a central Ontario if there is a south and an east. We should be using the definition of Municipal Affairs because it uses that definition when it comes to grants and programs, and it is good. If I am not mistaken, the Ministry of Consumer and Commercial Relations is using it as well. But it is not universal, if I can use the word universal. Other ministries have different definitions of eastern and northern Ontario. For instance, at times Renfrew is considered northern Ontario when it came to some subsidies or special grants from the Ministry of Municipal Affairs or Culture and Communications. We should be using one definition and I think Municipal Affairs has the right definition of eastern Ontario and central and northern and western Ontario. That is my recommendation.

Mr Wiseman: I might concur to take that one shaded section out and just leave "the committee should consider introducing a uniform definition of eastern Ontario" without suggesting anything specific. Whatever definition comes up from the interministerial consultation—they may want to redraw all the boundaries and find what it is exactly they would like to see.

Mr Grandmaître: I agree to that suggestion except that I would like to see it back to this committee. If we are not going to use Municipal Affairs, we will be using another definition. I would like to see that final definition.

Mr Wiseman: We are making a recommendation that we would have to be apprised of any changes. I would not want to just go ahead and say that we should have the Municipal Affairs definition there without knowing exactly what it is.

Mr Grandmaître: Agreed, but if there is another definition, I would like to see it before it is accepted.

Mr Wiseman: You mean if the government decides to create an interministerial committee to define it, then it should be discussed.

Mr Grandmaître: That is right.

Mr Wiseman: I have no problem with that.

Mr Marchese: Is it possible to get, from all the ministries, the different definitions they use of regions, with a history of why they have used a certain definition of regions? That would allow us to get a better sense of what differences there are, why historically, and then this committee could make a more intelligent recommendation on all that. Otherwise where do you send it to as opposed to directing this to a particular ministry or adopting a particular definition from one ministry?

If we are convinced that every ministry perhaps uses different boundaries, it would be useful to get that. For David Pond of course it would be some work, naturally, but I think it would be better for us as a committee to make a wiser recommendation on this.

The Chair: I think we should be doing that separately if it is a concern of the committee, and perhaps directing it to Management Board. This is simply going to one ministry. If we have concerns about that issue, about uniformity of definition of regions of the province, perhaps we should convey in a separate letter those concerns to Management Board and say that we believe this is simply what the government should be looking at and should be moving on. We could ask them for a response and get back to the committee in respect of what they are doing, what they see happening in the future.

Ms Carter: Mind you, I think there is a particular logic to the definition when we are looking at EODC as an issue rather than just a general definition which is, where does the area of prosperity cease? And where do we get into the rather underprivileged area which is eastern Ontario, except of course for Ottawa? Peterborough does come into that category because it is an area of high unemployment and lower per capita income, and of course as you go east and north from there it gets even worse. But if you are looking at it from that point of view, from the need for development, then I would say it does fall into it.

The Chair: I raised this initially, and I think my concern was not questioning the need in particular areas but the fact that Mr Grandmaître said, "Where does eastern Ontario begin and end?" The fact that it has gone up into the Durhams is just for purely political reasons, decisions made by a Conservative government, as a matter of fact. It just does not make any sense.

I think as a committee we should recognize it and say this is something that perhaps should be changed. But it should be applicable right across government because there are so many inconsistencies in terms of definition.

Ms Carter: My own feeling would be that the line should be drawn just west of Peterborough but, as I say, for economic reasons.

Mr Waters: When you go to the last page, if you were to eliminate the shaded-in recommendation and then just use the very last paragraph on that page, it is once again stating that there has to be a definition of eastern Ontario. I recognize that, because in my area, in the north, we are in a situation where sometimes we are covered and sometimes we are not. It just depends on what ministry.

Mr Wiseman: That is okay. Durham is not covered at all in anything.

The Chair: So we have agreement I think in respect to deleting that shaded-in recommendation, and David simply combining what is above that and below that with the final recommendation. Separate from that, we will write a letter to Management Board expressing our concern about the lack of a consistent definition across government.

Mr Pond: So the last paragraph in black as written is okay?

The Chair: No.

Mr Pond: We are not going to mention the Ministry of Municipal Affairs?

The Chair: No.

Mr Pond: Okay.

The Chair: Could we have a motion adopting this report? Moved by Mr Grandmaître. We do not need a second. Any discussion? All in favour?

Motion agreed to.

1110

TVONTARIO

The Chair: We will move on to the second one, TVOntario. David, lead off.

Mr Pond: This is slightly more problematic. The shaded bits begin on page 12. While you are reading that, I will just sort of summarize what has happened here.

The first shaded paragraph on page 12: "The committee recognizes the positive contribution TVOntario makes to the province, and appreciates that the authority is a world pioneer in educational television. However, the committee is concerned about the instances of excessive spending and sloppy management practices uncovered by the Provincial Auditor."

If you recall, we stuck that in because some members pointed out that because the thrust of the recommendations was basically critical, it was important to have some kind of introductory paragraph to put the criticism in perspective, so that the reader who maybe was not as familiar with TVOntario as the committee is would recognize that the committee here was not trying to dump TVO overboard, but just targeting specific criticisms. That is very simply why that paragraph is there.

The next shaded bit is at the bottom of page 13 and all of 14. This is simpler than it looks. At the last meeting, the committee agreed to the recommendation that TVOntario be made subject to the Freedom of Information and Protection of Privacy Act. At the same time, the members wanted to know why it was that some agencies of the government of Ontario are exempted from the FOI act and some are not.

I was asked to go away and look this up. That simply is what you see on page 14, the history of why in 1987 the government of Ontario decided to exempt some agencies from FOI and keep other agencies in. As I say, the rationale by the Attorney General in 1987, Ian Scott, was that some agencies were more directly under the control of the cabinet than others and that really only the agencies which were under the direct control of cabinet should be subjected to FOI. That was the rationale in 1986 and 1987.

Where it gets trickier is at the top of page 15. As you know, right now the standing committee on the Legislative Assembly is completing its very, very extensive and comprehensive review of the FOI statute, which it was obligated to do when the law was passed in 1987. I probably should not be saying this on the record, but I am told that committee is very actively considering recommending that the exemptions for some agencies be lifted and that all agencies of the government of Ontario be brought into the act.

I guess in a de facto way I am sort of leaking what is happening in another committee, but that is what I am told. That committee is reporting its recommendations to the House in the middle of December. This is why the little section here on page 15 is in italics and not in regular print. I put the query, does the committee want to back up the other committee which is looking at this and endorse what looks like it will recommend, namely, that all agencies be brought into the statute? That is why that is there.

You will note I have not done anything about La Chaîne, which was the major item of discussion the last time the committee looked at this report. If you recall, after the last meeting I was instructed to get hold of TVO and find out how much money it spends on French-language programming. If you recall, when Mr Ostry was before the committee in August, he said that approximately 30% to 35% of TVO's resources go into French-language programming. I did get some numbers from TVO. I sent them to you in a memo dated November 27. It is pretty darned obvious, if you believe the numbers, that TVO spent nothing near 30% to 35% of its resources on La Chaîne.

There is a catch. A day or two ago, TVO phoned me up and said there may be a problem here. The numbers they have sent you are not the complete figures for everything they spent on French-language programming, not La Chaîne, but French-language programming. I said: "Mr Ostry said you people spend 30% to 35% of your resources on French-language programming in toto. Is that accurate?" The bureaucrats at TVO said: "Yes, that is true; we do. If you add up every single thing we spend on French-language programming across the board, not just on La Chaîne but also the little bit of French-language programming you get on the English-language network, you factor in everything that gets diverted to French-language programming and you've got a ballpark figure of 30% to 35%."

I asked him, "Can you send me numbers that justify this?" They hemmed and hawed and said, "Okay, we'll try to do that." Today is Wednesday; that was Monday afternoon or maybe Tuesday morning. To make a long story short, they do apparently spend 30% to 35% of their re-

sources on French-language programming, but as of today I do not have the figures to prove that. I have left the language as it is because the committee agreed we had to do a bit more work on this.

The Chair: Thanks, David. I think I will open it up for discussion. Mr Marchese.

Mr Marchese: Let's start from the last and work backwards. I was very concerned about that, because I remember we were spending close to \$8 million on La Chaîne, and from the figures David provided it is about \$10 million.

Interjection: It is \$11 million.

Mr Marchese: I think it is a little more than \$10 million. I felt what was happening was that Mr Ostry was compounding all the years of support that was given to La Chaîne, which would amount to 30% to 35%. If that was the case, I felt it was very inaccurate and not a very helpful thing to do. If you compounded what the English network gets over the same period, which would be anywhere from \$70 million to \$80 million a year, then you can see the difference. I felt a bit worried about the statements that were made and the implications members of this committee have drawn and that other people will draw when they read this.

In addition, David points out that in his discussion with some civil servants some administrators of TVO point out that yes, there are additional costs. If we do not get those figures, I suggest we redraft the document that has been printed here to reflect the money La Chaîne is getting and remove those references so that people do not get the wrong impression. On page 15, when Mr Ostry acknowledges La Chaîne now "consumed," is that his word or yours?

Mr Pond: I suspect it was the word used by the questioner.

Mr Marchese: Okay; "30% to 35% of TVOntario's entire budget." This is not accurate and should be removed, or at least if we keep the statement we need to identify in our investigation that this is the money that goes to La Chaîne, so that people have a sense of the reality in the statement that is made.

Similarly, on page 16, "It is concerned, however, that La Chaîne not become a burden on the authority's scarce resources." That worries me. It carries with it such negativity that I think it is irresponsible of us in some way, so I worry about the language that is written there. In that regard I think I have said about enough. I would think that this committee needs to pursue it to see whether the administrators of TVO can provide specific information about how much money goes to French programming, and if they cannot after we give them a time line of sorts, then correct the references that are here.

In relation to other points that are made around TVO, on the whole issue of the positive contribution that you have added on page 12, I think it is useful. We should keep it there and I think what you have done is okay.

The recommendation we have on page 13 says, "TVOntario should be made subject to the terms of the Freedom of Information and Protection of Privacy Act." I originally supported that and I still do. The question David

raises then on page 15 is, if one committee recommends that all schedule 2 and 3 agencies be subject to the Freedom of Information and Protection of Privacy Act, I would be tempted to agree with that. It is difficult to say, "Include TVO but don't worry about the others," because by so doing we are doing an individual, case-by-case procedure, which is not entirely a useful procedure.

1120

My feeling would be that all of them should be included under the Freedom of Information and Protection of Privacy Act, but as I say that, I wonder whether there are any disadvantages of that which we have not looked at. For example, I know the archives people in the Ministry of Culture and Communications have very few resources to deal with this. The more and more we give to them to do, the less and less they have the ability to respond to people who need the information that they are required to respond to.

That is one immediate disadvantage that I see out of all of this. That is not to say that because of that we should not be doing this, but I wondered if David or others have any other reasons that we should be looking at before we make this recommendation. That is a question I throw out to all the members, or to David if he has any other information.

Mr Wiseman: On that comment you just made about resources being allocated to freedom of information can become onerous with freedom of information requests that may or may not be frivolous, we get a number of them in the Ministry of Correctional Services that you wonder about.

The Chair: David, did you want to say something?

Mr Pond: There is no doubt about it; the current operation of the freedom of information act is burdensome on many public servants, whether they are in agencies or on-line ministries. There is no doubt about it. If you talk to people in Management Board, it is burdensome, because they are not getting any extra person-years to handle the requests.

Another one of the recommendations that is being actively considered by the standing committee on the Legislative Assembly is sticking in what it calls a frivolous clause or a nuisance clause whereby, I gather, the officials who implement the act in every ministry would have the authority to basically reject what they deem to be frivolous or nuisance applications. There are such applications; there is no doubt about it.

The Ministry of Correctional Services, Mr Wiseman, is an excellent example. There are people out there who have made public servants' lives miserable with freedom of information. There is no doubt about it. It is a serious problem. Of course you cannot say that publicly, because FOI is a motherhood thing and so on and so forth, but it is true.

As I understand it—and I think, Mr Waters, you are on that committee—the Legislative Assembly committee has looked at this globally and there are other recommendations they are probably going to make which are designed to address that particular problem. It is not that they have

ignored that problem when considering whether all agencies should be subject to the act.

Mr McLean: Can I say something, Mr Chairman, just on that freedom of information act? I had an instance one time which I would just like to relate to you. Mr Waters will be well aware of the bridge at Webber's Burger King on Highway 11. That bridge is owned privately. I had a constituent who wrote me and wanted to know who was responsible for that facility if it blew over, and was there insurance on it? They wanted to know if there is a study done each year. I wrote a letter to the Ministry of Transportation to find out what information they had, because they have insurance and all that. I had to go through freedom of information to find out whether that structure was insured, whether there was an engineer's study done every two years or what. It seemed dumb to me to have to go through the freedom of information just to find out what the public should be made aware of. To me it goes too far sometimes.

Mr McGuinty: With respect to the first item we have been discussing, I guess, the Freedom of Information and Protection of Privacy Act and whether TVOntario should be made subject to that legislation, on the face of it it seems attractive to do that, and I think if we were to ask the public generally if they think it should be made subject to this kind of legislation, people say yes, and we should know more about the salaries we are paying our people appointed to agencies, boards and commissions and those kinds of things. More knowledge is a good thing. I think that is the general consensus.

Notwithstanding that, I think Rosario made a good point. I would like to hear from people who would argue against this. Rosario raised the point about the burden that is to be placed on the FOI folks to deal with this. There may be others out there who have some objection to it, and I certainly would not want to go so far as to make a recommendation that all agencies, boards and commissions should be made subject to the FOI.

With respect to the recommendation regarding La Chaîne, I just feel there is a lack of information there. I am going to speculate here and say that we are probably paying more—probably considerably more—on a per capita basis to fund programming in French. That is one aspect of it.

The other aspect, though, is that although it does not say so in the legislation that set up TVO, it is accomplishing some kind of social policy initiatives. It has taken on that role. I note that the board of directors for 1990 said—I am reading from page 3 of the notes here prepared by David—it is going to "support and promote understanding and tolerance by better reflecting the societal diversity of Ontario."

When I compare that with page 2 of the brief prepared by David, in section 3 of the Ontario Educational Communications Authority Act, there is nothing which outlines the objectives of TVO, which is supposed to "promote understanding and tolerance by better reflecting the societal diversity of Ontario." For better or worse, it has taken on that function.

So we are not talking about something here that can be measured merely in terms of dollars and cents. If you want to get into a proper discussion of this, I guess we have to discuss the merits beyond the dollars and cents of operating La Chaîne. My guesstimate is that, measured strictly in terms of dollars and cents, it does not make sense, but I think we are after something that goes beyond that. I think if we are going to properly consider it—and I am not sure that falls within the ambit of this committee—we are after something further. Certainly TVO is doing that for that reason; I think it is logical to infer that. Government has not curtailed that activity, and I am certain that people in the know know this is not making sense financially. We do all kinds of things that do not make sense financially, but we are, again, attempting to achieve certain objectives. Some of them are more idealistic than others; nevertheless, I do not think that relieves us of any obligation to attempt to meet those objectives or ideals.

As I say, if we are going to consider this properly, I think we should have a full discussion. Do we think French-language programming is important to this province and, if we do, are we prepared to pay for it? It is as simple as that.

The Chair: Anything else?

Mr Grandmaître: Yes. I agree with Dalton's comments. It is a fait accompli that it is costing more to produce French programs. It is costing TVO or La Chaîne quite a bit of money.

David, on page 15 of your report it states, "The committee recognizes that the decision to establish a separate French-language network was made by cabinet, and not TVOntario." I question that. I do not think it was a dream of cabinet. Any comments on that one?

Mr Pond: Mr Ostry was asked this and he made it quite clear that he was called to a meeting with Mr Masse, who was the federal minister, and the provincial government. He was told there was going to be a press conference, that at the press conference the two governments wanted to make a positive announcement about provincial government support for francophones in Ontario, and that this was what the announcement was going to be. I can get you the Hansard. According to Mr Ostry, that is how La Chaîne got started. That is what he told the committee.

Mr Marchese: It is my recollection that Mr Ostry—not perhaps in those words, but that it was a political decision made by the government of the day.

Mr Grandmaître: I question that. I think Mr Ostry was one of the responsible persons to establish La Chaîne. There was a lot of pressure on TVO because of the pressures from francophones right across Ontario, but especially from eastern and northern Ontario. Once in a while, maybe two hours a week, francophones would see a French program on TV.

Regarding the second-last recommendation, David, that "TVO should consider whether the viewing needs of French-speaking Ontarians could be met through one network," I do not believe we should go back to one station or one network. I think Franco-Ontarians have worked very hard to create La Chaîne, and I think La Chaîne should be

maintained, recognizing that it is costing taxpayers more money to operate La Chaîne than other TVO programming.

1130

The Chair: How does the committee want to deal with this? Do you want to go through the recommendations individually. Because we are going to have some differences of opinion. I want to speak on this last one, and I will remove myself from the chair. I might as well indicate that there is probably going to be a minority opinion with respect to La Chaîne. I do not know if you want to deal with it today. There is the suggestion from Mr McGuinty that if we want to peruse this matter further, we should perhaps have more information and perhaps even be calling TVO officials before us again to talk about the operation of La Chaîne.

Mr Marchese: I believe we could go through the recommendations today, and there will be other recommendations that will not be dealt with today because we might need further information. I think we can do a lot today if we go through it one by one.

The Chair: Let's start on page 12, the committee recommendations, and the wording, of course, as well.

Mr Wiseman: I would hate to throw a monkey wrench into this, but I have a further recommendation that I would like the committee to consider. That is the relationship of administration costs to the production of programming and a recommendation that administration costs be kept much lower than they seem to be right now, that this money be used for programming and that mechanisms be put into place to insure that administration costs are kept low, because there is a \$1.1-million increase in administration in one year.

Mr Marchese: Does the recommendation on page 15 not deal adequately with your concern? I know you are raising a different point, but "Management Board of Cabinet should consider whether TVOntario should be subject to directive 1-1-1, such that funds provided by ministries of the Ontario government on the understanding they will be spent on programming...."

Mr Wiseman: Maybe we will deal with that recommendation when we get there.

The Chair: Let's look at what is on page 12. Are there any problems with what David has prepared on page 12 under "Committee Recommendations"? We are all in agreement with page 12.

Page 13: We are agreeing with the auditor's recommendation.

Mr Marchese: The committee recommends that "TVO should be made subject to the terms of...." Is that the one you are looking at, Mr Chair?

The Chair: No, the top part dealing with the auditor's report, and the committee is concurring with the auditor's report—the top two paragraphs, talking about administrative practices, etc.

Ms Carter: That is okay—the feasibility of major projects and all that.

Mr Wiseman: What would be the cost of a comprehensive audit?

Mr Pond: Good question. If it were done by the Provincial Auditor, it would not cost TVO anything.

Mr Wiseman: We could not very well recommend that the Provincial Auditor audit TVOntario every year. Come on.

Mr Pond: Actually, they are, like any other agency that receives public funds, required to have an audit internally every year. That is contingent on getting their budget.

Interjection.

Mr Pond: Well, this is it. Once again, depending on what schedule you are in if you are an agency, that determines whether you do it internally or whether you do it externally.

Mr Wiseman: But all an internal audit does is say where the money was spent and whether it has been accounted for properly. It does not say whether the money has been well spent—that is what a comprehensive audit would do—and whether a recommendation here might be in order for, say, a comprehensive audit to be done every five years in order to determine whether the money that is being funded from the province is being spent in the wisest distribution of allocations.

Mr Marchese: But is that something an auditor could do, whether it is comprehensive or not, or are those political decisions that are made?

Mr Wiseman: For example, they would probably recommend that \$23,000, or whatever it is, spent on a wall of TVs is probably not good use of money. That came out anyway.

The Chair: Reading this recommendation from the Provincial Auditor, they are suggesting in-depth reviews over the next two or three years should be board-initiated and reporting to the audit committee of the board of directors. Obviously the Provincial Auditor feels that is going to be satisfactory. I do not know if we are qualified at this stage of the game to suggest something more comprehensive.

Mr Wiseman: We are okay with this then.

Mr McGuinty: I would like a point of clarification. In the last three lines of the auditor's statement it says "These reviews should be board-initiated." What does board-initiated mean?

Mr Pond: TVO should do it. It should start the process on its own initiative and not wait for the ministry to do it.

Mr McGuinty: Should we take comfort in knowing that the responsibility for this lies with the guilty party, so to speak?

Mr Pond: I think the guilty parties have retired, have they not?

Mr McGuinty: I am not going that far.

The Chair: I think the board would have some difficulty explaining whether it is called before this committee or called before the standing committee on public accounts

in the next couple of years if it had not reacted in a positive way to the Provincial Auditor's recommendation.

Mr Marchese: I thought of the same question Mr McGuinty was raising. The review is conducted and sent to the audit committee, but I think the ministry of course would have access to that and would get it as well, so the ministry would be fully informed. I do not know whether Mr McGuinty thinks that is also in-house, but for me it is not because I think we want to deal with those things. I would feel assured that somehow by the ministry also getting it they would also be dealing with it in a political way.

Mr McGuinty: I am concerned but not so concerned as to—I will go with the general feeling here. I think that is adequate.

The Chair: The next section deals with the Freedom of Information and Protection of Privacy Act. I guess we have some reservations about this.

Mr Marchese: This is where we had discussion about whether to defer this matter and to gather more information. The question is, what kind of process do we use to gather this information? I would not want lengthy public discussions. I do not know whether David has suggestions. It would be useful to find a way to get feedback both internally and externally on the implications of this: What would the disadvantages be to do this, if any? My concern is that I do not have a sense who we should be consulting, although we have had two people mentioned in this report who I think are professors.

Mr Pond: Yes, two of the so-called experts. Those two chaps are FOI fanatics. The Legislative Assembly has done this all summer and all fall. They are going to be making these kinds of recommendations regardless of what we do. It just occurred to me we might want to piggyback on what we know another committee is going to do anyway. What we could do is leave it out entirely.

Mr Wiseman: What if the other committee recommends that freedom of information not be expanded?

Mr Pond: It will not. I know what it is going to recommend.

1140

Mr Marchese: In spite of what the other committee is going to recommend, what we are communicating is a sense that it would be useful to know what people are thinking around possible implications or disadvantages, if any. We could leave it out and let another committee make a recommendation, true, but given that we are discussing it, I think we should find a way to pursue it if we can.

The Chair: My only concern is that if another standing committee is looking at this single issue in a comprehensive way it is obviously redundant for us to get involved in it too. I am concerned about that element of it.

Mr Marchese: I see. Are they looking at it comprehensively?

Mr Pond: Yes, they have.

Mr Grandmaitre: Yes.

Mr Pond: Mr Grandmaitre knows more about this than I do. The deal in 1987 was that whatever misgivings members

of the opposition at that time had about the statute, the tradeoff would be that this committee would get this kick at the can three years after the statute passed the Legislature. As I understand it, that is what they have been doing all summer and fall. It is too bad Doug is not here. He is the clerk for that committee as well and he has heard enough about freedom of information to last a lifetime. The draft report is 140 pages long and everything you ever wanted to know about FOI is in there.

Mr Wiseman: Could we include in this section here a reference to that report and that we strongly feel that while the Freedom of Information and Protection of Privacy Act should be expanded to include TVOntario, at this time this committee would bow to the decisions of the other committee with reference to freedom of information?

Mr Grandmaitre: I would not go that far.

Mr Pond: The only technical problem is we cannot say anything about that other committee's report until it is official. This is why we have Hansard here. Technically I am leaking to you what another committee is doing. I can be called before the bar at the House now because I am leaking a committee report to you. Apparently they are scheduled to report to the House December 11, which is only a week away. We could not approve this language here today until after that committee has officially reported.

Mr Wiseman: We are not going to approve this document within that time frame anyway. Maybe we can hold off on this section until we see what that committee says, and then we can revisit this with recommendations we can pull from that committee's report.

Mr Pond: That is why I put this in italics.

Mr Wiseman: Maybe we should move along.

The Chair: Do you want to defer that element?

Mr Wiseman: In other words, we are going to need copies of that report.

Mr Pond: Yes.

The Chair: Okay. The next section on page 15 deals with Management Board.

Mr Wiseman: This is where I believe my notion about administrative costs being kept as low as possible and funds being directed to programming be maximized. I think other organizations and groups that receive money have been developing very unique and creative ways of distributing administration responsibilities, with the result that their administration costs are much lower. I would strongly recommend that TVOntario look at reducing its administrative costs by distributing the administrative process in creative ways. I do not know how you can specifically make them do that. If somebody can help me with the words, the intention here is that we are looking at a \$1.1-million increase in administrative costs in one year, which represents, if my math is even close to being right, an 18% increase in administrative costs in one year.

Mr Pond: Yes, it was very large.

Mr Wiseman: I have not seen a rationalization for that kind of increase in administrative costs.

The Chair: I wonder if we could not simply express concern about the level of administrative costs as an additional sentence and a lead-up to the recommendation.

Mr Grandmaitre: I think you are right, Mr Chairman. This is what we should be doing. I agree with Jim that some programming dollars are being diverted to administration, but the total budget did not increase. There was not a deficit in the programming or the administration. There was an increase in administration, but these dollars were simply diverted, and it is the transfer of these dollars that should be prevented. Maybe they should go back to the minister or the ministry and ask permission to do so.

Mr Wiseman: I agree. What concerns me is the fact that the administration costs are increasing more rapidly than research and development is.

Mr Grandmaitre: Or even programming.

Mr Wiseman: The increase in administration costs is greater than the research and development budget for TVOntario, and I have some real concerns about that.

Mr Marchese: I do not know whether that recommendation does not do that. It says they will not be spent on programming; the money spent on programming cannot be diverted to administration. We have seen an increase to administration because money was diverted from programming. One presumes if this proceeds in this way it makes a strong recommendation that not happen. If that does not happen, then we have taken care of the problem.

The Chair: I think the other element is simply the inclusion of a sentence here expressing concern about the appearances in respect to the increase in administrative costs. We do not have enough information before us to know whether they were justified or not justified, but there is a concern being expressed by the committee and that will be drawn to the attention of TVO and the ministry.

Mr Wiseman: I would feel comfortable with adding that sentence and putting in that concern.

Mr Waters: We had some discussions earlier on about La Chaîne and the 30% and 35%. I think we should hold off on that until such time as we get these figures, and if it is like 15% La Chaîne and 15% French-language, spell it out very clearly so that people realize La Chaîne is not the total consumer of 30%. I think we have to make sure everyone is well aware of that. I would like to see that held over till we have those figures.

Mr Wiseman: I think Mr McGuinty was talking about whether there is something we are promoting here that we cannot put a pricetag on. I think it is worthwhile having a paragraph or two about the goals and objectives of La Chaîne française in terms of achieving the quality and type of society for Ontario; some kind of recognition that there may be intrinsic value here that cannot be quantified in dollars and cents. Would that be about what you were saying?

Mr McGuinty: Essentially that is it. I would like to hear from the Chair on this point. I anticipate what he is going to say reflects an opinion held by a good number of people in the province, and we should recognize that.

Some people are of the opinion that we should not release the truth to the people, because when they see this they are going to look at it strictly in terms of dollars and cents and say that is not right. Some people call that subscribing to the theory of political correctness: We should not release statistics regarding crime, for instance, and the correlation between certain racial groups. I do not buy that. I am always for the truth, and we can work with that. We can stand on our podiums when election time comes and live or die by it. It is as simple as that. That is why I think it is very important that we hear from Mr Runciman, because I just heard it from a number of constituents and we should get it on the record and deal with it.

The Vice-Chair: Mr Runciman?

Mr Runciman: I find the recommendations are warranted, especially given the tough economic times we find ourselves in. It only makes sense to me that government should be looking at all areas of expenditure, and I do not think there should be any sacred cows, areas that we can say this is a social policy initiative and despite the cost to the taxpayers this is for the betterment of society as some politician sees it. I think it is time we went back to square one in many of these areas and took a look at the real needs out there and whether they can be met in a more cost-effective way.

1150

I am not saying there are not needs out there in the French-language community in Ontario. Certainly there are, but I think, as Mr Ostry pointed out—although Mr Grandmaître has taken issue with this—this decision was not a social policy initiative; essentially it was a political initiative. I think we should be going back and taking a look at what are the real needs of the Franco-Ontarians in terms of this sort of service, and can they be met through one network?

The testimony before us showed that there was a target audience, a potential audience, of 180,000 viewers a week, and they have indicated that they are watching for an average of two and a half hours only on this network. Obviously, as Mr McGuinty said, this does not make much financial sense, and if they are only watching for two and a half hours—we never discontinued the service provisions on the English-language network for French-language residents. Those were never discontinued, and perhaps they could even be expanded upon and the real needs out there—not the political needs of any given political party, but the real needs of Franco-Ontarians—could be met through the service of one network.

I am saying, "Let's get real, folks." We are talking about taxpayers' dollars, and times are tough indeed. I do not see why anyone who is representing constituents of this province, people who are paying taxes, should take offence at these kinds of recommendations. What we are saying here is: "Let's take a look. Can the real needs be met through one network rather than two?" It is costing us in the neighbourhood of \$27 to \$32 million, French-language service provision right now—perhaps not just the one network, I agree—for a target audience of 180,000 watching for two and a half hours a week.

The other element of this which ties in very neatly in my view is the cost-benefit analysis. Simply because this has some political ramifications, does that mean we do not want to take a look at it, we do not want to hear the message? Effectively that is what you are saying. You are afraid or nervous or concerned about someone coming back and saying: "Folks, this doesn't make any sense whatsoever. We've done a very comprehensive cost-benefit analysis and this is nuts. You should never have gotten into it. This kind of decision should never have been taken," which Mr Ostry implied, so let's hear about it. What you are suggesting to me and what I have heard in previous discussion in respect to this is, "No, we don't want to hear those messages and we don't want the people of Ontario to hear those messages."

I am agin that, folks, and I am saying right now that I am going to have some difficulties as Chair of this committee in how we arrange this, but I am certainly going to express a minority opinion on this, because I think, especially given the tough economic times, if you look at the expenditure of \$32 million—we do not know how much of that is going to La Chaîne specifically because of diversions, etc, but take a look at what is happening with the OPP, for example. We are having serious cutbacks in the provision of policing services across this province. Even a third of those dollars directed towards policing services would alleviate a crisis in policing this province.

What is a real need out there and what is not a real need? Those are the kinds of questions we should all be asking ourselves as elected representatives.

Ms Carter: I would like to disagree with that, and I am worried about targeting La Chaîne in this way. In fact, I would be inclined to think we should delete everything after the heavy type on page 15, which is what we were just looking at.

I would be interested to know how many hours per week the viewers of the English network watch TVOntario. I think if we started really comparing these two things on a level playing field, we might come to some different conclusions. I certainly think what we have got at the moment does leave a very anti-francophone impression, which I would certainly not wish to have any part in.

Mr Pond: The middle of page 6 gives those comparative numbers. That comes from TVO. Those numbers are derived from the documents sent to us by TVO. Just to quote, "Over two million Ontarians watched English-language programming per week"—in 1989-90—"and about 180,000 French-language programming." Then when Mr Ostry appeared before the committee he was asked about this and that is when he gave the figure of 2.5 hours.

Ms Carter: Do we have that figure for the English network?

Mr Pond: Per week? We can get it.

Ms Carter: Also, when Mr Runciman compares this with expenditure on the police force, it seems to me that the police have to deal with society's mistakes. It is in a sense a negative expenditure. Obviously we have to have it, but the more we fail in other respects in our society, the more we have to pay police to deal with the problems that

arise, whereas I think expenditure on TVOntario, and particularly on La Chaîne, is the kind of expenditure that can have a positive effect in making this a better society where we are less likely to have people who go out and commit criminal acts, hopefully.

Mr Marchese: I do not want to appear to be disagreeing with the comments the Chair was making around doing reviews for cost-effectiveness of programs, because if we present it that way, then it will appear that is what we are fighting against. The problem I have is what has been said on page 15 at the bottom and the implications and the negative implications it has, given the possible inaccuracy of those statements and the subjective remarks on page 16 as well. That leads me to the recommendation, which I find problematic.

Why would we not do a cost analysis of the English network to see whether that is producing the kinds of results we want based on our needs? Why do we focus only on La Chaîne and French-speaking people and their needs? If you separate them, it creates a problem, as it did for me. That is why I have a problem with your interest in doing a cost analysis simply of La Chaîne. If you had said, "Let's do a cost analysis of the whole thing," then I would have an easier time with that, because we should be doing cost analysis of a lot of things.

If you wanted to reconsider that, I think we could or should. If you want to defer this item until we get a little more information from TVO around those facts and figures, I think that might be useful and we might come back and reconsider this issue based on the discussion we have had today and the figures we might get another day and reconsider that whole matter then.

The Chair: I think that seems to be the consensus, that we try to get additional information. It may be helpful too if we can call in the finance person for TVO, who can talk about specific dollar amounts and transfers and those kinds of things, to give us more information on really what is happening over there.

Mr Grandmaître: One short comment before we break up. I want to make it very clear that, as Rosario pointed out, we should be looking at cost-effectiveness. This is the reason why we are looking at TVO. I think we all appreciate the services provided by TVO and La Chaîne, but at the same time, they must be fiscally responsible in delivering these services; I totally agree with him.

When you look at those figures being provided—I forget on what page—180,000 francophones watched TV and two million Ontarians watched English-language programming per week. Do not forget, there are only 450,000 of us. I think that is very good if 180,000 are watching it.

When you consider the population of Ontario at 9.5 million and only 2 million Ontarians watch English TV, that is a very poor average.

The Chair: My recollection in respect to why La Chaîne was singled out versus the English-language network was Mr Ostry's testimony that it was chewing up 30% to 35% of the budget.

Mr Grandmaître: You are absolutely right. I do not mind looking at the cost-effectiveness or the budget of TVO and how it spends its dollars. I am willing to go along with the committee and let's look at their cost-effectiveness.

Mr Pond: Just to clarify, the committee is deciding to call back somebody from TVO to the committee to talk about this?

Mr Wiseman: A financial person, somebody who can give us information about what programs are the most popular and the number of hours of watching. I tell you, at 6 o'clock in my house, with kids under the age of six, Polka Dot Door is the number one program. I would also suggest that there are other shows that are equally as popular.

Mr Marchese: I have a difficulty that if we get an individual to come and tell us certain things and he or she tells us he cannot answer the question, that may not be too helpful. I am assuming they will come prepared.

Mr Pond: They will come with an entourage. They will not send one person.

Mr Waters: The one thing I would want to make sure is that they are willing to honestly state—if you closed down La Chaîne and continued French-language programming on TVOntario, what is going to be the cost saving? I do not see any, with the exception of a few jobs, because you are still going to provide French-language programming.

The Chair: Rather than get into that now, it is after noon hour and we like to have a subcommittee meeting over the lunch hour.

Mr Wiseman: In the binder of TVOntario information we received, I do not recall, but are some of these questions answered?

Mr Pond: No.

Mr Wiseman: Then could we actually have them prepare something and send it to us in advance of them coming before the committee?

Mr Pond: I will talk to them. I am sure the clerk will too.

The Chair: Meeting adjourned.

The committee adjourned at 1202.

CONTENTS

Wednesday 4 December 1991

| | |
|----------------------------------|-------|
| Appointments review | A-717 |
| John Dewar | A-717 |
| John Walker | A-719 |
| Subcommittee report | A-721 |
| Eastern Ontario Development Corp | A-722 |
| TVOntario | A-724 |

STANDING COMMITTEE ON GOVERNMENT AGENCIES

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Le mercredi 11 décembre 1991

Standing committee on government agencies

Appointments review

Comité permanent des organismes gouvernementaux

Révision des nominations



Chair: Robert W. Runciman
Clerk: Douglas Arnott

Président : Robert W. Runciman
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Table of Contents

Table of Contents for proceedings reported in this issue appears at the back, together with a list of committee members and other members taking part.

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Table des matières

La table des matières des séances rapportées dans ce numéro se trouve à l'arrière de ce fascicule, ainsi qu'une liste des membres du comité et des autres députés ayant participé.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 11 December 1991

The committee met at 1006 in room 228.

APPOINTMENTS REVIEW

Resuming consideration of intended appointments.

PAUL STAFFORD LEDGISTER

The Chair: I am going to call the meeting to order, and we will juggle with the rotation. If the Liberal Party arrives prior to the half-hour, we will provide it with an opportunity outside of the normal rotation. Oh, Mr Grandmaître has arrived just in time.

The first and only witness this morning is Paul Ledgister. Welcome to the committee. This is a maximum half-hour review in respect to your appointment as a member of the Licence Suspension Appeal Board; you were selected for a review by the official opposition.

I am going to begin today's questioning with Mr Grandmaître.

Mr Grandmaître: I will make my questions very short and, hopefully, precise. What makes you the ideal candidate for this appointment?

Mr Ledgister: In terms of whether I am the ideal candidate, I suppose that is a decision of this committee, and I am hoping its decision will be favourable. But I would like to bring to this board my background as a small business person who can appreciate what it is like to run a business that is subject to being licensed by the government. Also, as a person who has been driving in this province for more than 20 years, I think I could make a valuable contribution from a layperson's perspective.

Mr Grandmaître: I have a very strange case. A constituent of mine had her licence revoked because she was 73 years old. Do you agree with that?

Mr Ledgister: I could not make a judgement on that particular case unless I were presented with the evidence. I do not know what the circumstances were or are in her case, so I could not make that decision at this point.

Mr Grandmaître: I have been trying to get an answer from the Ministry of Transportation; I have written a number of letters. I will take 30 seconds and expose you to the case.

This lady was involved in a very minor accident, no damages. It just happened that a police officer was close by, made the investigation and charged her with failing to signal. Three weeks after, she received a letter from the Ministry of Transportation saying, "Due to the fact that you're 73 years old and you've been involved in a minor accident, we're suspending your licence." Three or four days after, she received another letter saying she will have to be re-examined.

I phoned the ministry, I wrote the ministry, and apparently that is a policy. It is not a written policy, but it is a policy of the Ministry of Transportation. I find this very unfair, that because she was 73 years old—and this lady

was never involved in any accident—she would have to rewrite her driving exams. What are your thoughts on this? I am not trying to pin you down. I will not use your comments on Bay Street or Yonge, I promise you.

Mr Ledgister: Again, I have only heard very briefly from you what the circumstances may be. I would need to look more closely at maybe the ministry's information, if I were to be put in the position of making a decision on that. But based on what you have said, it would be premature for me to have any opinion.

Mr Grandmaître: I realize I am putting you on the spot, and that is not my intention, believe me. But do you believe in such a policy, that because you are 73 or 75 you would be automatically suspended if you were involved in an accident?

Mr Ledgister: I do not know if such a policy exists. Again, I do not want to impart my personal opinion on such a matter because it is my understanding that I am only a nominee to this board at this point, so I do not think I have the prerogative to offer my personal opinion at this point.

Mr Grandmaître: I understand you are only a nominee, but everybody else in the province knows you have been appointed. Let's not kid ourselves. If you do not know, well, then, everybody else in this province knows. Would you agree with such a policy, if such a policy exists?

Mr Ledgister: If it is a question of any form of discrimination, I suppose one would have to look at how it applies to the Charter of Rights. Again, I am not sure of what the circumstances are, whether it violates the Charter of Rights in terms of age in this case.

Mr McLean: I had some questions in mind, but it was interesting to listen to Mr Grandmaître, because I have a letter I am delivering to the minister today about a very similar case, where people have had their licences taken from them and they have to go through a procedure to get it back. I am wondering why there is not an appeal before the licence is taken away in some cases, instead of having that individual go and appeal to get his licence back.

You are being appointed to a board that is very interesting to you. What do you want to change in the board policies, if anything?

Mr Ledgister: I am not fully aware of all of the board policies. As I said, I would like to bring to the board my perspective as an ordinary Canadian driver in Ontario and I would also like to bring to the board my contribution as a small business person. I understand there is something of a backlog of appeals, and I think in terms of applying fair and equitable justice that every effort should be made to speed up those processes.

Mr McLean: One last question. Were you asked to apply for this position?

Mr Ledgister: I submitted my application to the public appointments secretariat indicating my desire to serve in any public position possible, and I was asked if I would be interested in this, and I indicated my interest.

Mr Wiseman: The Minister of Transportation has indicated that road safety is going to be an important element in the changes that are going to be made with reference to the insurance industry. Have you any comments about how the appeals board might be able to involve itself in helping define what those changes should be in terms of road safety and licensing?

Mr Ledgister: I am not at this point, as I said earlier on, quite familiar with all the mandates of this board, so I do not know if it would be within the jurisdiction of this board to be involved in this where the ministry is concerned.

Mr Wiseman: The Highway Traffic Act requires that all drivers over the age of 80 must take yearly road tests, written, vision and exams. The Canada Safety Council has indicated that as early as 55 reflexes and vision start to deteriorate. I think this is part of the problem the other two members are encountering with the appeals process. Do you have any thoughts on that kind of issue and whether it makes sense from the point of view of public safety to continue to be this concerned?

Mr Ledgister: I understand that medical reasons are one of the criteria used by the Ministry of Transportation in determining whether licences should be suspended, and these are subject to examination by a doctor. I also understand that there is a committee that would report to the board in cases where somebody because of medical reasons might have his or her licence suspended. Again, I would have to see the case and deal with it based on the evidence that is presented.

Mr Wiseman: We are a big province and drivers lose their licences all over the province. Do you think the appeals board should travel and hold hearings around the province?

Mr Ledgister: Yes, that is one of my concerns which I raised only last week when I spoke to a member of the minister's staff. I understand all the hearings are held here in Toronto, and I asked about people from northern Ontario, for example, who would have to travel quite a distance with a cost for them to come here to Toronto to appear before the board. I suggested that it might be a good idea for the board to be much more accessible in trying to move out to meet these people.

Mr Wiseman: I am going to switch gears here, unless my colleagues have a question. You are the former president of the Social Planning Council of Peel?

Mr Ledgister: Right.

Mr Wiseman: Will you make presentations to other standing committees on behalf of that organization?

Mr Ledgister: Not really. The executive director of that body is the person who from time to time would make presentations on behalf of that council. When I was the president, my primary function was to make presentations before the United Way in terms of funding for that agency.

Mr Wiseman: You have extensive involvement in your own community on a variety of issues, then, from the social planning council?

Mr Ledgister: Right.

Mr Wiseman: I have no more questions.

The Chair: You have four and a half minutes, Mr Elston.

1020

Mr Elston: I was interested in your view of the appeal board. As a member for instance, I will have somebody coming to me saying he has just had his licence removed because although his doctor said he was able to carry on, some person in the Ministry of Transportation has made a decision otherwise. Is it your view that a personal physician's opinion should carry more weight than somebody who has never interviewed or examined an individual whose licence is suspended for medical reasons?

Mr Ledgister: It is my understanding that if a person's licence is suspended, he or she would have the right to appear before this board.

Mr Elston: That was not the question. Do you believe someone who is a physician who has personally examined an individual and said "You should be able to drive" has more weight than a person who has not examined the individual?

Mr Ledgister: I do not think that I could make that decision right now unless I see all the evidence pertaining to that particular case.

Mr Elston: Do you think it would be fair for someone who has never examined an individual to say "You can't drive" when someone who has personally examined the individual has said "You ought to be able to drive?"

Mr Ledgister: I would have to know what the medical conditions are for the person who made that decision to have come up with that position.

Mr Elston: Would you believe, sitting on the appeal, that a report from a personal physician who has done the examination would have the same weight as someone who sits in an office in Toronto looking at a file, who has never seen the individual? Would they be the same weight or different weight, in your opinion? You are supposed to have an evenhanded view of this.

Mr Ledgister: I would tend to give a little more credence to the medical authority. I believe the board also has access to medical opinions.

Mr Elston: Would you be in a position where you would throw out the briefing notes which usually come with these appeal files? There is probably a compilation of ministry materials as they see the case where people say, "I can't appear in person," because at the moment you do not sit in Timmins, for instance. Would you be in a position to examine personally all the records as opposed to just a look at the briefing files for these appeal situations?

Mr Ledgister: It would be my endeavour to get all the facts about every case before I make a decision. In all fairness to the individual, I think they have that right. I would require that I be presented with all the material.

Mr Elston: Would this extend to the situation where someone had filled in the forms? I do not know whether you have seen the forms. I have. You have just been confronted with losing your licence; you fill in your name at the top and say, "I want to appeal, I can't appear in person, but here is the reason I'm doing it." The form is quite brief. There is a medical submission, presumably from the physician, who says, "He should be able to drive." Yet the Ministry of Transportation usually has the last word because it sets the docket for you, at least through what is about to become your organization it would do that. Would you see it as part of your role to ensure perhaps the appearance of some people in a case where you had a difficulty, even though the person did not ask for personal appearance?

Mr Ledgister: As I have indicated before, the right of the individual would be paramount, in my opinion. Therefore every effort would be made for that person to have equal access or a fair presentation before the board.

Mr Elston: One of the concerns generally with appeal tribunals, particularly when they are attached to the bureaucracy—although this one is arm's-length; I understand you are not going to be a part of the ministry—is the sense of the population in general that the last kick at this is through the ministry as opposed to through the hearing, because your briefing notes come down as to when and how and the dates and that sort of thing.

My questions are only designed to ensure for me that the individual is of paramount importance, because your role now means job or no job, home or no home in many cases for people. It is not, I hope, a sense that there has to be any support for the bureaucracy in this role. I think I have found that in you.

Mr Ledgister: As I said in my opening remarks, I want to bring that perspective as a driver and a business person.

Mr Frankford: I preface my remarks by saying I am a physician. Would you agree there is some conflict for personal physicians who have a professional advocacy relationship with the individual but are also being asked to write a brief which can very much affect that individual's livelihood or rights to drive.

Mr Ledgister: I did not get your question.

Mr Frankford: As a family doctor, I might be asked to provide a report which would affect someone's ability to drive and maybe their livelihood. Is there not some potential conflict between on the one hand your professional role as that person's advocate and your societal role protecting society against dangerous drivers?

Mr Ledgister: I would expect that whether or not you are the physician of the individual whatever you present to the board in terms of the ability of that person to operate a vehicle would be trustworthy. I would look at that carefully and I would also compare that with the position of the ministry's medical authority before I make a decision.

Mr Frankford: It would seem to me that the medical authority and what you as a board member might need in the way of guidelines is very critical. If I can give a concrete example, with heart conditions—there must be many conditions where it is really quite open to dispute whether

those are things which should stop people driving. Who is to decide what the actual risk is? I do not think it is a clear-cut matter of whether it is safe or unsafe; I think it is a matter of assessing overall risks.

Mr Ledgister: I would have to look at the case before me, look at the information the applicant's doctor presents in terms of his ability to operate a motor vehicle properly and safely and see what the ministry's position is and its interpretation as to whether this person should be allowed to continue to drive.

Mr Frankford: Do you think there is sufficient onus at present on the licence-holder to state whether he has a medical history and to be fully open about that? Do we leave too much at present on the physician?

Mr Ledgister: I suppose the final decision that would have to be taken would normally be arrived at from the opinion given by someone other than the individual who is making the appeal. Clearly, if somebody's licence is suspended, he is not going to say it should be if he is appealing before the board. So obviously we would need an outside opinion, which in this case would be their physician, and that of the physician of the board or the minister.

Mr Frankford: I suppose the analogy is with something like life insurance, where you, the applicant, fill out a form. You can put in lots of questions saying, "Have you ever had any advice," or had a heart condition or whatever. I think it is possible to put a considerable amount of the onus on the applicant.

Mr Ledgister: The applicant certainly would have to satisfy myself and I hope the other members of the board that he is capable of operating a motor vehicle safely.

Mr McLean: I just want to follow that up. What you are saying is that the physician's report will not take precedence over anything the appeal board wants to do. You are indicating that the appeal board will have the final say, even if a physician's report indicates the driver should have his licence reinstated. You are saying no.

Mr Ledgister: I do not think I said that, and it was not my intention to imply that. As I have maintained throughout this interview, I would make my decision based on the information presented to me. I was asked earlier on whether I would give more weight to the physician or that of the ministry. As I said, I would have to look at them both, listen to the person who is appealing and then arrive at a decision.

Mr McLean: But there can be a hardship on that individual who has had his licence taken away. He does not know why; the ministry has just done it. He has a letter from his doctor saying he should have his licence back, that it should never have been taken away in the first place. Who is going to reimburse that individual for, if he is a truck driver, not being able to drive his vehicle? Is it fair that they can do this?

Mr Ledgister: The question of fairness is not, I think, within my jurisdiction. We see incidents in the judicial system where there is a question of fairness and whether there should be compensation for wrongful conviction, etc. I do not know if it is within the mandate of this board to

determine whether somebody, if his licence was suspended unfairly, should be reimbursed. I could not answer that.

Mr McLean: I wish you well on your appointment.

The Chair: Thank you very much, Mr Ledgister. That concludes the questioning. We appreciate your appearance. The clerk will advise you. We may even be passing a motion with respect to your appointment this morning, if you want to remain in the room for a few moments. Thanks again for your appearance.

The next matter on the agenda is the determination of whether the committee wants to concur this morning with the appointment of Mr Ledgister or, with the request of one member, we can delay dealing with that motion until next week.

Mr Wiseman moves that the committee concur with the appointment of Mr Ledgister.

Mr McLean: Were we not going to do it next week?

The Chair: It is up to any member to request. If one member requests a deferral, we are required to defer it a week. Are you suggesting that you want it deferred?

Mr McLean: No.

Motion agreed to.

The Chair: Although it does not appear on the agenda, we have to indicate acceptance of the subcommittee report. It is attached to your agenda. I do not necessarily need a motion. Does anyone have any questions with respect to the subcommittee report laying out the schedule for next week? We concur? Okay.

The committee adjourned at 1034.

CONTENTS

Wednesday 11 December 1991

| | | |
|----------------------------|-----------|-------|
| Appointments review | | A-733 |
| Paul Stafford Ledgister | | A-733 |

STANDING COMMITTEE ON GOVERNMENT AGENCIES

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Legislative Assembly of Ontario

First Session, 35th Parliament

Official Report of Debates (Hansard)

Wednesday 18 December 1991

Standing committee on government agencies

Appointments review

Ontario Educational
Communications Authority

Assemblée législative de l'Ontario

Première session, 35^e législature

Journal des débats (Hansard)

Le mercredi 18 décembre 1991

Comité permanent des organismes gouvernementaux

Révision des nominations

Office de la télécommunication
éducative de l'Ontario

Chair: Robert W. Runciman
Clerk: Douglas Arnott

Président : Robert W. Runciman
Greffier : Douglas Arnott

Published by the Legislative Assembly of Ontario
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Table of Contents

Table of Contents for proceedings reported in this issue appears at the back, together with a list of committee members and other members taking part.

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at (416) 325-7400.

Table des matières

La table des matières des séances rapportées dans ce numéro se trouve à l'arrière de ce fascicule, ainsi qu'une liste des membres du comité et des autres députés ayant participé.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 18 December 1991

The committee met at 1013 in room 228.

APPOINTMENTS REVIEW

Resuming consideration of intended appointments.

VERNA L. HANNAFORD

The Vice-Chair: We will call the committee to order. We have two appointees to review this morning and, at 11, TVOntario will be back in. Could we have our first appointee, Verna Hannaford. If you would come up to the front, please.

Mrs Hannaford was selected by the official opposition, so we will start with the official opposition.

Mr Grandmaître: Mrs Hannaford, I was going through your curriculum vitae. Can you tell me a little more about your community involvement, because, as you know, one of the requirements to be appointed to a local police board or to any of our agencies reflects very much on your involvement in the community. Did you leave out something in your CV that you should tell us?

Mrs Hannaford: I sent it, but I do not see it here. I am on the Stephen Leacock Home board; I am chairman of the Treasure Island Day Care Centre for the Huronia Regional Centre; on the community advisory board at the Penetanguishene Mental Health Centre; on the Richmond Resource Centre, and I have just been appointed to the Simcoe Legal Services Clinic.

Mr Grandmaître: Thank you. You were born in the area, right? Were you born in Orillia?

Mrs Hannaford: No, I was not. My husband was.

Mr Grandmaître: I see. Are you familiar with your police force?

Mrs Hannaford: Yes.

Mr Grandmaître: How would you describe your police force?

Mrs Hannaford: Very good. There is always room for improvement, but it is a very good police force.

Mr Grandmaître: What would be your objectives or your priorities once you become a real member of the Orillia Police Services Board? What would be your main objective?

Mrs Hannaford: Until I knew what the board was all about, being a new member, I would want to find out what the board was doing, and public education.

Mr Grandmaître: You say until you find out what the board is all about; did you not apply for this appointment?

Mrs Hannaford: Yes, through the paper. There was an ad in the paper.

Mr Grandmaître: What attracted you to apply for this nomination?

Mrs Hannaford: Being on the community advisory board at the Penetanguishene Mental Health Centre, we would like to work back and forth with the different police forces for education on mental illness.

Mr Grandmaître: In other words, you are not familiar with the police budget of Orillia, how it works.

Mrs Hannaford: No, I am not.

Mr Grandmaître: As you know, municipal taxpayers are paying most of the cost of local policing. There has always been a fight—if I can use the word “fight”—between municipal councils and the police commission or the police service board as to how the budget should be written. Most municipal councillors claim they are not involved in the discussion at the time the budget is drawn, and the local taxpayers have to pay the cost without really any—or very little—participation in the budget procedures. Do you think the elected people should have more of the say because they are paying close to 85% of the cost? Do you think they should have more of a say in the budget process?

Mrs Hannaford: I am sorry, I cannot answer that question.

Mr Grandmaître: Are you familiar with employment equity?

Mrs Hannaford: Yes, I am.

Mr Grandmaître: Do you believe in it?

Mrs Hannaford: Yes, I do.

Mr Grandmaître: Would you know how many female police officers there are in Orillia?

Mrs Hannaford: I am aware of it. At least two or three.

Mr Grandmaître: Do you think this is representative of your population?

Mrs Hannaford: No, I think we need more women.

Mr Grandmaître: Thank you.

The Vice-Chair: Hans, you have three minutes left.

Mr Daigeler: I am just wondering—you may have answered this a little bit earlier—have you ever been involved in or do you have some experience with an organization that has a substantial budget that you would have to look at?

Mrs Hannaford: The community advisory board for the Penetanguishene Mental Health Centre and the Leacock home board; we have to look at the budgets for those.

Mr Daigeler: Pardon?

Mrs Hannaford: The Leacock home board and the community advisory board of the Penetanguishene Mental Health Centre; we have to look at the budgets for those.

Mr Daigeler: What budget does the community advisory board look at?

Mrs Hannaford: We look at the hospital budget.

Mr Daigeler: The community advisory board looks at the budget of the whole hospital?

Mrs Hannaford: Yes.

Mr Daigeler: In what way do you look at it?

Mrs Hannaford: I have only been on the board for about two months, so I am not totally familiar with that area.

Mr Daigeler: I see. Have you had any other experience then? You mentioned some other board that you—

Mrs Hannaford: The Leacock home board. I have been on that board for approximately two years.

Mr Daigeler: What is that? Is that a residential retirement home?

Mrs Hannaford: No, it is a tourist attraction.

Mr Daigeler: I see. Does that have a budget then?

Mrs Hannaford: Yes.

Mr Daigeler: Is it something you have to approve?

Mrs Hannaford: It is set up and we look at it to see our projected budget and what our revenues are on that.

Mr Daigeler: Thank you.

Mr Waters: It says here in our background, "Statement of criteria by which an intended appointee is chosen." One of the things is, "Police service boards should reflect the composition of the local community." I guess my question would be, what aspect of the community would you be representative of?

Mrs Hannaford: I do not understand the question.

1020

Mr Waters: Basically, what do you bring with you to the board? You have mentioned the Penetanguishene Mental Health Centre. What else in that relationship do you bring with you that would be experience that would benefit you?

Mrs Hannaford: As well I have my tourism background—planning and development, marketing and public relations—that I feel would add something to the board.

Mr Waters: I am curious, and it is probably an off-topic question, but how did you get involved with Penetanguishene?

Mrs Hannaford: I answered an ad in the paper.

Mr Waters: Sounds like somebody who wants to be busy.

Another statement they make here is, "The individual should be aware of the concerns and values of their community, as well as a confirmed commitment to the guiding principles of the Police Services Act," so I would ask, what would you say is the chief concern the police services board would have to deal with, or police in Orillia would be dealing with at this point in time?

Mrs Hannaford: I think a higher profile in the community, maybe more involvement in the community.

Mr Waters: Those would be all my questions.

Mr Wiseman: I am always concerned about young people. I used to be a teacher in my previous life, and I am always concerned because there seems to be a dearth of

things for young people between the ages of 12 and 18 to do. It seems to me this group would have a lot of energy. You have to understand it is probably about 1% or 2% who are getting into trouble.

What can you bring to the police services board that may be able to address or help develop programs that the police can use to—

Mrs Hannaford: The Richmond Resource Centre works with children from the age of approximately seven. We go into the elementary schools and work with the kids up until they are 24, and we have different programs. We are setting up more programs to work with the youth in the community.

Mr Wiseman: Is there really a police force already working in this area?

Mrs Hannaford: Yes, they are working with the Richmond Resource Centre now, back and forth, and they have social workers at the centre. There is not a waiting period. If any child has a problem, he can walk in off the street and talk to somebody and he can get his problems sorted out. Either they are sent on to where they might get counselling for a longer period, or possibly they will be counselled for maybe a couple of weeks. Maybe that is all they need to sort their problems out. But the Richmond Resource Centre does work back and forth with the police and the mental health centre.

Mr Wiseman: Have you worked with this Richmond Resource Centre?

Mrs Hannaford: No. I have children of my own, so I am well aware of the problems that can arise with youth. I have four children from 22 years old down to two and a half years old.

Mr Wiseman: You have a wide experience in terms of work and involvement. In 1985 you took a course on development and structural aids to enhance learning. Would you see this as something you might be able to use for the police force in terms of developing courses and things that the police may be able to use to relate better to teens?

Mrs Hannaford: Yes.

Mr Wiseman: Have you any specific ideas of where you would like that to lead?

Mrs Hannaford: Not right at the moment.

Mr Wiseman: No? Do you know any of the other people who are on the police services board?

Mrs Hannaford: No, I do not.

Mr Wiseman: Okay. I am going to put on my other hat. I like to think of myself as being environmentally aware, and I have been to the Wye Marsh.

Mrs Hannaford: What do you want to know about the Wye Marsh?

Mr Wiseman: How is it doing?

Mrs Hannaford: Well, we are getting better. They have instituted a lot of programs that we had started when I was working there. I was a co-op student there for one summer, and they asked us to set up some programs and

they have carried them on. Adopt-a-bird was one of our ideas. It was a girlfriend and myself who worked there.

Mr Wiseman: Can I keep going or am I running out of time?

The Vice-Chair: Now you have got back on the subject, all right, carry on.

Mr Wiseman: Mr McLean, you will see how my mind works with this next question.

The Vice-Chair: I know how it works.

Mr Wiseman: Do you see any possibility, within the police force and within your experience in the natural environment areas, of bringing the two together to heighten the sense of awareness among young people so they have some positive directions and a positive outlook on life?

Mr Grandmaitre: Jailbirds, I guess.

Mrs Hannaford: I was going to say, bicycle through the park. The officers could bicycle through the park and do the loop at night when all the teens are out in the summertime.

Mr Wiseman: So there is wildlife in the park?

Mrs Hannaford: Oh yes, lots of it.

Mr Wiseman: Just the people we were talking about. I have no more questions.

Mr Frankford: There is a concept called community policing. Are you familiar with that?

Mrs Hannaford: I have heard something about it, but I am not fully aware of what it is all about.

Mr Frankford: Do you feel that there is any need for a redirection in policing in your community, that it should be more community-based?

Mrs Hannaford: I think all police forces should be more community-based. I honestly think we should go back to the way it used to be where there were more police officers walking the beat and they were very familiar with everybody in the community.

Mr Frankford: Have you had any discussions on the practicality of that?

Mrs Hannaford: No.

The Vice-Chair: Any further questions? I want to thank you for coming before the committee this morning and I wish you every success on the board. It has been a good board and I know you will add to it.

FRANCES ADAMS

The Vice-Chair: The next person is Frances Adams, intended appointee as member of the Lakefield Police Services Board.

Ms Adams: Good morning.

The Vice-Chair: I would like to ask if Mr Waters would take the chair for this one. It was our party that asked for the interview, so I should have the opportunity to ask some questions.

The Acting Chair (Mr Waters): I would ask if you have any opening statements or any comment you wish to make before we get into questions.

Ms Adams: I am pleased to be here. I guess I am curious as to why my name was chosen to come forward for this meeting. Is there something in my past I do not know about? I am seriously interested in the position and hope to be recommended for it.

The Acting Chair (Mr Waters): Thank you. We will start with Mr McLean.

Mr McLean: I guess the reason you were chosen was that when I looked over the reviews, I noticed you had only been in the province a short period of time and I was curious. The background you have—I have not got it right here. I know you were out west for several years.

Ms Adams: That is right.

Mr McLean: Where did you see this appointment? Was it in the paper, or did you read about it? How did you come to apply?

Ms Adams: I was asked to apply by someone in the village who has been a long-time friend and is a co-worker with Elmer Buchanan, the MPP. I was informed that they were looking to appoint more women to the board—apparently there have been no women on the Lakefield board in the past—and that they were looking for a woman with a social services background, which somewhat fits in terms of my personal history.

I have been in Lakefield less than two years. I realize that is a short period of time, and I certainly considered that when I was asked to apply. My work takes me into Peterborough most days, and to a lot of small towns and villages in the region, but to date I have not been able to become very involved in community activities in Lakefield and I saw this as an opportunity to be able to do that, to become more involved in the community and offer my skills to the community.

Also, I am from a small town in northern Ontario and did live for most of my life in Ontario, although I spent nine years in Edmonton.

1030

Mr McLean: I guess one of the main questions was with regard to your good standing in the community and having a record of community involvement. That was one of the criteria that were laid out. When I was looking through all the different ones who had applied, I was curious about the involvement you had within the community and how familiar you are with the community and the policing within the community.

Ms Adams: I am not as familiar as other appointments to the board will be. Certainly I have a long record of community involvement, but not in Lakefield. I think it can be healthy, however, to have someone somewhat new to the community come on the board who does not have perhaps in detail all the historical—I do not know—different facts or whatever that can happen in a small town.

Mr McLean: How many members are on the board?

Ms Adams: There will be five, I assume.

Mr McLean: The other question I have is, did you know any other people who applied for the position?

Ms Adams: Yes, I do.

Mr McLean: Are you involved with regard to community policing?

Ms Adams: I suppose that depends on how you interpret what that means. I am involved in one piece of work in Peterborough county called the healthy communities project. A member of the Peterborough city police force is also involved in that, so I have had a chance to work with him. I see that as an example of community policing.

Mr McLean: Do you have something specific you would like to see happen with regard to the police services board, more public awareness programs or some type of direction for the police services board. You must have something on your mind you would like to take up as a challenge to become more involved.

Ms Adams: The question that was asked earlier about difficulties with youth and opportunities for youth is something I certainly thought about when I was first contemplating this position. I do not believe it is a serious problem in the village of Lakefield at this point. However, there have been incidents of swarming and so on in Peterborough and in some of the other smaller communities in the county. That concerns me and I think the police services board and the police can act as a catalyst in looking at alternatives for youth. There are a lot of recreational opportunities in our area. Increased volunteer opportunities is another alternative to look at, and I think I have something to offer there.

Mr McLean: What is the population of Lakefield?

Ms Adams: About 2,400.

Mr McLean: Do you see the small-town police force being done away with and more taken over by the OPP? Do you look at that as an alternative? I know 2,400 people paying for a police force is fairly expensive.

Ms Adams: If the town chooses to do that, then it should be the town's choice. In the last week or two, there was a series of bank robberies. I think it was three different small towns in our county. Lakefield was not one of those towns, and the chief of police said he thought a robber would be less likely to choose Lakefield because there is a police force there. I think that may be right.

Mr McLean: I agree with that. That is a very good point. I know some small villages in the county of Simcoe where there are a lot of robberies taking place. It is covered by the OPP and it is very difficult for them to be there, so I think it is an advantage. I will pass for now.

Ms Carter: I would like to welcome you particularly, Frances, because although Lakefield is not actually in my riding, I kind of feel it ought to be. If I were the federal member, it would be.

Mr Elston: You are surely not thinking of running federally?

Ms Carter: No.

Also, since I am the parliamentary assistant for the Ministry of Citizenship, your list of involvements gladdens my heart. I see you have concern with women's issues, literacy, multiculturalism, child care, disabled persons and native issues. That is just about where we are at, the interest in these things.

I am also interested in what was just said about Lakefield not having robberies as much as other places do. I do not know whether you are aware of this, but a writer called John Craig, whose wife still lives in Peterborough, wrote a novel called *In Council Rooms Apart*. It was all about terrible things that happened during the Second World War; some people told something that was supposed to have been a deadly secret about the Nazis letting big troop ships cross the Atlantic because they wanted to get the men across the sea to fight and so on. This story involved Lakefield, although it was not named. It was there as a place where people who were being hunted could go and be protected by the entire community because it was such an integrated community and nobody would tell on these people and they could go from house to house and so on. I just thought that was interesting.

But what I really wanted to ask you was, how do you feel all these involvements you have had and these interests you have are going to bear fruit when you are on the police services board? I know you just mentioned youth and so on, but there are a lot of other things here too that I think might affect what you would want to achieve on that board.

Ms Adams: Certainly for years I have been aware of the need for sensitivity and correct procedures when it comes to the police dealing with domestic violence, with children whose parents may be charged with sexual abuse or abuse, or with a sexual assault victim. I hope the police force in Lakefield is providing a good service in those areas right now and, if not, then I will try to see that I can improve that.

Ms Carter: What about native issues? I believe that is something that does figure in the Lakefield community.

Ms Adams: Curve Lake is not very far away from Lakefield, so I think it does and I think there are opportunities for improving liaison between the band council and people on the reserve and people in the town, definitely. I do not know if I can speak more specifically than that right now.

Ms Carter: Then, of course, there is the question of women's representation on the force, but I guess it is a small force, so that is not as easily done. Do you know how many police there are?

Ms Adams: I think it is three or four. I do not believe there is a female police officer at present, but there has been during the time I have lived in Lakefield.

Mr Wiseman: Lakefield is a tourist area and, as we know, tourism sort of brings its own special problems, with some tourists bringing their bodies and leaving their brains behind on holidays. I think this presents an interesting problem for policing in tourist areas. Have you any thoughts on that, like partying and driving their motor boats too fast and drinking?

Ms Adams: I do not think I can come up with anything. I know the village is very serious about trying to encourage more tourism, particularly in getting more people to dock in Lakefield and spend more time in the village rather than passing on to Buckhorn and so on, and I think

maybe the police will have to look at what impact it will have.

Mr Wiseman: Half of my other questions were taken up, but I would like to pursue a little more the young people question, because I think that is part of the question I am asking on tourism.

Ms Adams: Are we finished yet?

Mr Wiseman: Pretty close, I think. You have a very extensive involvement in the community and United Way, and you did mention that Lakefield has managed to avoid swarming and things like that, but it does have some other problems with young people. Have you any ideas about what could be done for that group between 12 and 20, the group that just does not seem to have enough recreational facilities or enough direction in that age group?

1040

Ms Adams: It is a difficult age. I would never want to go through it myself again. As I said before, I think looking for more opportunities for encouraging teenagers to become more involved in volunteer opportunities is something real. The Lakefield Environmental Action Forum has major recycling events at different times during the year beyond the blue box campaign. A lot of the local high school students were involved in that. I think that is a really good example of how to encourage them to use their time constructively to work on things that are important to them.

To look to that group and similar groups addressing issues that are of concern to high school students, I also know that there tends to be, in a lot of communities, a very narrowly focused view in terms of activities for teenagers. Not everyone is interested in hockey. Alternatives to that need to be addressed, whether drama or whatever. If you have some good ideas—

Mr Grandmaitre: I have just two short questions.

Mr Daigeler: I will not be long. I will be short, you be long. How is that?

I read over your background material and found it quite impressive actually. You obviously have some quite intensive background working with people. Can you tell me a little bit more about this responsibility in Alberta? I presume it was the federal department of the Secretary of State that you were working for as a social development officer. Is there a program? Is there a budget? I was not, quite frankly, aware at all that the federal government has something like that. What is it? What does it involve? You say here you provided organizational development assistance to community groups working for social change in Alberta.

Ms Adams: That is right. The Department of the Secretary of State, which has since been somewhat divided between the Secretary of State and the Minister of State (Multiculturalism and Citizenship) also handles post-secondary education, loans and so on. It is somewhat of a mishmash of responsibilities, but it has these programs, the women's program, multiculturalism, the national literacy secretariat, the disabled persons participation program, the native citizens program and so on. These programs are for those designated groups, to ensure they gain equal participation in Canadian

society. My role was to assist them in determining what their goals were as communities or groups.

Mr Daigeler: Were you working with a particular group?

Ms Adams: I worked with a lot of different groups. I worked with dozens of groups that were involved with native groups, women's organizations and literacy programs throughout Alberta and the Northwest Territories.

Mr Daigeler: This is a federal program to promote equity, I guess, among designated disadvantaged groups. Is that the idea?

Ms Adams: Essentially. You were not aware of that department?

Mr Daigeler: I was not aware that there were actually people who were sort of, as it were, community activists paid for by the federal government.

Ms Adams: I was not paid to be a community activist. I was paid to assist community groups to reach their objectives. Essentially, to look at it somewhat cynically, as one does from time to time, it is one arm of government assisting organizations to make recommendations or to criticize another arm or level of government. It is one way of ensuring that the voices of particular groups in our society are heard. Those particular groups have not historically had the organizational capacity or the funds to be able to put forward their views, as have many other groups in our society.

Mr Grandmaitre: First I must apologize. I did not know where Lakefield was. As a former Minister of Municipal Affairs, I should have known. Now I know.

I am always interested in municipal councils and the composition of the population of a township, municipality or regional government. I find it very strange that you are not responsible. The province of Ontario is responsible for this. The police force consists of seven employees—five of those employees are constables or uniformed officers—and there are five members on the police services board. Does that mean there is a supervisor for every constable?

Ms Adams: Five members on the police board?

Mr Grandmaitre: Yes.

Ms Adams: I am not sure why that choice was made. I know that in the act a community of my size only needs a three-member board, but the option is there to increase to five. I am not sure whose decision that was.

Mr Grandmaitre: I find it strange—five commissioners and five constables.

Ms Adams: Not necessarily.

Mr Grandmaitre: Do you like this one-on-one?

Ms Adams: I suppose you can look at it in a positive way.

Mr Elston: Can you imagine 90,000 MPPs?

Ms Adams: Our role is not solely to be employers. It is also to liaise with the community and with—

Mr Grandmaitre: Yes, I realize this. I was chairman of a police commission for seven years. What is the total population of Lakefield?

Ms Adams: About 2,400.

Mr Grandmaitre: Looking at your budget, you are way below the provincial average. Keep this up. Congratulations.

Ms Adams: Thank you. I cannot claim responsibility for that.

The Vice-Chair: Any other questions? Mr Elston, you did not have any?

Mr Elston: No, I did not.

The Vice-Chair: No further questions. Thank you for attending before the committee. I wish you every success in your term on the police services board in Lakefield, Ontario.

Ms Adams: Thank you very much.

The Vice-Chair: The committee would like to deal with the concurrences in the intended appointees. Do you want to deal with it today? Is there any member who objects to having them confirmed today? If no member objects, Mr Wiseman moves concurrence of the appointees.

Mr Daigeler: Is it possible to ask questions beforehand?

The Vice-Chair: No, I do not think so. I think if you object to it, then—

Mr Daigeler: Can I make a comment?

The Vice-Chair: Yes, you can comment on it, sure.

Mr Daigeler: I just would like to know, seeing that this is the first time I am subbing on this committee—

Mr Grandmaitre: And he is never coming back is what he told me.

Mr Daigeler: It depends on what answer I get to my question. It was indicated here that the candidates are recommended to the minister by the appointments advisory committee. Is it possible to know in particular why the appointments advisory committee recommended the first person, Mrs Hannaford?

Mr Wiseman: No.

The Vice-Chair: We do not know why. Does anybody know why?

Mr Wiseman: They send them here, we screen them and send them on to bigger and better things.

Mr Elston: No. They are screened, then they are sent here and then we—

The Vice-Chair: That is right.

Mr Wiseman: It is all in the view of the world, Mr Elston; it is all the way the world spins.

Mr Daigeler: I could not figure out at all what her qualifications would be for this position. I can see on the second person, but not on the first.

Mr Waters: On how this is done, it is my understanding that what they are trying to do with the police services board, as with some of the other ones, is get a cross-section from the community. If you had five lawyers who applied to be on the police services board and there was one member of the general public, obviously that member of the general public would come through the system, so that there is a good cross-section representative of the entire community. I suspect that is probably why both of

these ladies were put forward, their names brought forward, to fill up the cross-section of the community.

The Vice-Chair: If I could bring you up to date on it, there was an appointment made to the Orillia Police Services Board and then that person resigned before he took office. The city council and the police services board sent in names of recommendations. None of them had been accepted either time. I guess the question is right. This lady applied and the review board accepted her.

Mr Daigeler: I understand and appreciate that obviously not all of these people will have any in-depth knowledge of the particular work they are applying for, but I think there should be at least some basic knowledge and appreciation of what their work will entail. I did not get that at all with the first person. I was just wondering what—

The Vice-Chair: I think we have had a fair discussion on this. I think we should put the question. If there is anybody opposed to a vote taking place on either one of these, I would like them to indicate. If there are not, then we will proceed. All those in favour of Mr Wiseman's motion?

Motion agreed to.

Mr Daigeler: I do not know whether this is recorded, but I am not opposed on the second one. I thought you were doing this person by person.

The Vice-Chair: I was just going to ask the clerk now. I thought we did them one at a time.

Mr Waters: The last while we have been lumping them together, for the last month or two. If you want to propose that one goes ahead and the other does not, then we have done that historically as well.

The Vice-Chair: That is right. It is not recorded.

Interjection.

The Vice-Chair: I observed that it was not unanimous.

Mr Daigeler: I just wanted to say that I have no objection on the second person.

The Vice-Chair: Right. That is on the record.

We are dealing at 11 o'clock with the TVOntario review, if I could have your attention. That is in full view of everyone. That will be at 11 o'clock. Do we want to adjourn for five minutes and start at 11 sharp?

The committee recessed at 1053.

1102

ONTARIO EDUCATIONAL
COMMUNICATIONS AUTHORITY
OFFICE DE LA TÉLÉCOMMUNICATION
ÉDUCATIVE DE L'ONTARIO

The Vice-Chair: Would the members take their places, please. We would like to proceed with the further review of TVO. It is my understanding that we have a specific subject to be discussed and we have only an hour, so I would like to know if you have any opening remarks. If you have, we will give you a maximum of 10 minutes. Would you tell us who you are, your names, for Hansard, so that we know who is before us.

Mr Bowers: My name is Peter Bowers. I am the chief operating officer of TVOntario. As of December 16 I have been asked by the board of directors of TVOntario to be responsible for all the duties of the chief executive officer until the government appoints Mr Ostry's successor.

I would like to introduce my colleagues with me today. Rhéal Leroux is a member of TVOntario's board of directors. Jacques Bensimon is the managing director of French programming at TVOntario. Ross Mayot is managing director of community/government and corporate development.

We welcome the opportunity to provide you with the information on La Chaîne. With your approval, I would like to propose the following process. Mr Leroux would read a brief statement from Erica Cherney, vice-chair of the board who, during the interregnum, is carrying out the responsibilities of the chair. Mr Bensimon will follow as a brief outline of La Chaîne's foundation and mandate. I will conclude with a succinct presentation based on some four charts which we have prepared for you providing the financial data you requested. We can keep within the 10-minute time line.

If we can proceed on that basis, I would just make one point of clarification. When we refer to La Chaîne, we refer to the French-language programming service TVO provides. When we refer to TVO we are referring to the English-language programming service. When we refer to TVOntario we are talking about the entire organization. With that, I turn it over to Mr Leroux.

Mr Elston: It is my understanding that the matter before us has been raised by Mr Runciman. May I ask if he is coming?

The Vice-Chair: Mr Runciman had to go back to the riding. He had a funeral he had to attend unexpectedly.

Mr Elston: I know we probably do not want to disadvantage people, but must we compel this going forward without the sponsor?

The Vice-Chair: That will be up to the committee.

Mr Elston: I do not want to inconvenience anyone but I think the proponent of this activity ought to be here.

The Vice-Chair: I agree with you. However, he was unexpectedly delayed.

Mr Elston: Yes, and I am not blaming him for it. In my view some of us are quite interested in La Chaîne, but perhaps for other reasons, and I think it is interesting that the person who has most been critical is absent.

Mr Marchese: I should point out that it was I who wanted to have the figures. Mr Runciman has different views on La Chaîne altogether and I agree with the member that it would be good to have him here, given his views and what he is likely to say in the future on this. But I would prefer to proceed, given my interest and many others' in terms of getting the figures we wanted.

Mr Elston: As long as it is understood that we may need to bring the people back. Is that what I am to understand?

The Vice-Chair: That may happen.

Mr Elston: Or are we to conclude this today?

The Vice-Chair: Yes, that may happen. Your point is very well taken. I think we should proceed at this time. Mr Leroux.

M. Leroux : Membres du comité, au nom du bureau de direction de La Chaîne de TVOntario, je tiens à vous remercier de nous avoir invités et de nous donner la chance de pouvoir présenter un peu les aspects positifs et financiers de l'existence de La Chaîne.

In light of the committee's follow-up today, the board of directors of TVO particularly welcomes this opportunity to share with committee members our pride in La Chaîne. I am confident that M. Bowers, M. Mayot and M. Bensimon will provide you with the portrayal of an educational broadcaster whose role is integral to the survival and prosperity of Ontario French-speaking communities. We are pleased that today's discussion will allow them to inform you on the strong support for La Chaîne from government ministries, teachers' associations, francophone groups and student associations.

Le conseil d'administration est profondément convaincu que La Chaîne répond de façon unique et essentielle aux besoins critiques des Ontariens de langue française dans les domaines éducatifs, linguistiques et culturels.

At a time when the need for formal and informal learning is greater than ever, at a time when constitutional issues have made all Canadians aware of the need to expand the common ground between francophone and anglophone throughout Canada, and in light of the legislative responsibilities associated with Bill 8, the board of directors of TVOntario affirms its continuing support for La Chaîne.

J'aimerais aussi profiter de l'occasion pour avoir donné la chance d'avoir la traduction simultanée ce matin, permettant aux francophones de ce comité de pouvoir s'exprimer dans la langue de leur choix.

Je vais être heureux au cours de la réunion de pouvoir répondre, au nom du bureau de direction, à toutes les questions des membres du comité. Merci.

Mr Bowers: We would like Mr Bensimon to brief you on the establishment of La Chaîne.

The Vice-Chair: Thank you. You may proceed, Mr Bensimon.

Mr Bensimon: I wrote the presentation about La Chaîne de TVOntario, but in full respect of the committee's use of time, I would rather distribute copies of it for your consideration. It is available here. I will take just a few minutes to attract your attention to four points which could be helpful for the committee's deliberation.

First of all, contrary to a general broadcaster that scrambles for viewerships, competing somewhere between sports, news and Hollywood soaps, we pride ourselves at La Chaîne on being a grass-roots network fully dedicated to lifelong learning for all francophones and francophiles in Ontario.

Second, within the curriculum guidelines of partners like the Ministry of Education, the Ministry of Colleges and Universities, schools and colleges in this province, our goal is to serve the educational and learning needs of Ontarians in French, from preschoolers to distance education, from illiteracy courses to teachers' training. Our

learning system is considered today one of the most important inventory of such programs available in French in this country—a true heritage to our children.

Third, since the inception of La Chaîne, we have been responsible for training many young Ontarians in the television business by providing on-the-job trades and skills and therefore have been an incentive to job employment. This has stimulated the creation of independent production companies in our province. In turn, it has allowed us to access new sources of leverage funding for TVOntario.

Fourth and finally, in these days of morose news on the future of our country and the economic turmoil we are living through, La Chaîne is a success story, not because I say so but because others across Canada and the world have attributed us awards to tell us how good our programs are. Canadian and foreign broadcasters seek our partnership. Our series are bought around the world and it is allowing us to tap into new markets such as la francophonie of 170 million people strong.

One final thought: When francophones speak in Ontario about La Chaîne, they do not speak about La Chaîne only; they speak about notre Chaîne. In these days when foreign and US satellite signals are about to enter into our homes, I do not know of too many broadcasters who can speak about such commitment from their viewers.

1110

Mr Bowers: I have tabled with your secretary four charts which I think explain our financial situation. If I may very briefly explain them to you, we could then be ready for any questions you have.

The first chart is a pie chart of the total expenditures of TVOntario for the year 1990-91. The expenditures in 1990-91 totalled \$91.6 million. The major categories were: programming, 58%; distribution, 11%; administration, 10%; revenue-generating activities, 11%; capital expenditures, 8%, and 2% on research and development.

Just a very quick breakdown on programming: The \$53 million on programming includes \$40.5 million for program production, co-production and acquisitions of programs. It includes \$4.5 million for program support activities, \$2.7 million for educational services, \$5.8 million for promotion of the network and services and \$1.6 million for operation of our network office, which does the scheduling of the programs and that sort of thing.

The second chart is a comparison of the English and French programming expenditures. As you will see, we spend 68% of our expenditures on the English service, plus the common services that the English service uses, and we spend 32% of our expenditures on the French programming service.

I think it is important to recognize the impact of shared services. Approximately 47% of our expenditures represent a sharing of common resources between both services. For example, broadcast distribution, operation of the transmitters, research and development, administration, project funding and capital expenditures are all expenditures which are shared between the two networks.

Chart 3 is an explanation of how the programming money for La Chaîne is spent. I will ask Jack Bensimon to explain this chart to you very briefly.

Mr Bensimon: We are starting with the enfance and jeunesse sector of activities combined with their utilization. You have a picture of fully dedicated commitment to educational programming that is very closely worked out with the Ministry of Education and other partners.

If you look at the 39% dealing with adults, it is important to understand that it continues the educational element. It includes distance education, training of teachers, formal courses with colleges and universities throughout the province, and illiteracy.

Mr Bowers: Finally, chart 4 is really an explanation of the sources of revenue for La Chaîne. You will see that the revenue for La Chaîne amounts to \$28.7 million. The first slice, which is identified as "Project," is shorthand for project funding. These are projects where we go out and secure funding both from government and the private sector to support program production.

Seven per cent of the revenue comes from sales of our programs and from membership revenues; 22% is for conditional grants—these are grants we receive from the government to do specific types of programming; 27% is for the base funding. Finally, 24% is funding specifically for the operation of La Chaîne.

I would also note that in 1990-91 the province, under the former Liberal government, approved permanent funding for the support of La Chaîne. This amounts to \$6.9 million. We also receive other programming support for curriculum-based programming. These approached \$19 million in 1990-91. A significant portion of these were earmarked for La Chaîne. This is in recognition of the province's desire to support the use of French in Ontario.

That concludes our introductory presentation, and we are available for questions.

M. Grandmaitre : Je crois que notre comité ne s'est jamais arrêté pour questionner la qualité de la programmation de La Chaîne française. Je crois que c'était reconnu dès le début que La Chaîne de TVO présentait une programmation de grande qualité. Par contre, si je peux revenir à vos tableaux, j'aimerais plus d'explications surtout sur les tableaux 2 et 3, et sur numéro 4, les revenus.

La chose qui nous a sauté aux yeux à une réunion préalable à laquelle le Président, Monsieur Runciman, a fait allusion, c'est que La Chaîne dépensait entre 30 % et 35 % du budget total de TVO. C'était la question primordiale. À ce moment-là, selon les chiffres qu'on avait avancés, seulement 180 mille personnes de langue française regardaient La Chaîne et par contre, 2 millions d'Ontariens regardaient ou écoutaient TVO.

Je ne vois pas le 30 % ou le 35 % que je crois M. Ostry avait mentionné. Pouvez-vous m'expliquer ce matin quelles sont les vraies dépenses et les revenus de La Chaîne?

Mr Bowers: I believe I understand the question, but I am sorry, I do not have a translation unit. So I believe you asked for, first of all—

Mr Grandmaître: A detailed explanation, because we were told previously that the total cost of La Chaîne was equal to between 30% and 35% of the total TVO budget. When I look at chart 2 and chart 4, the expenditures and revenue, can you explain or can you provide me with more details or a better breakdown of the total cost of operating La Chaîne and the total revenues by La Chaîne? Do they really equal between 30% and 35% of the total operating costs of TVO?

Mr Bowers: A more exact figure is that 32% of the total expenditures of TVOntario are attributed to the operation of La Chaîne. On the revenue side, 32% of the revenue received by TVOntario is attributed to La Chaîne. So when Mr Ostry said 30% to 35%, the figure is more exactly 32%.

M. Leroux : Si vous me permettez d'être un petit peu plus précis là-dessus, Monsieur Grandmaître, c'est que 17 % du budget de TVO est strictement affecté à la programmation de La Chaîne ; le 15 % c'est des services mis en commun, qui est une évaluation des coûts de personnel, des coûts de publicité, des coûts un peu de tout et ça fait un total, les deux combinés, de 32 %. Mais il ne faut pas oublier qu'il y a des revenus qui sont liés à l'existence même de La Chaîne. Pour l'entente fédérale-provinciale, le fédéral contribue aux revenus de La Chaîne strictement parce que c'est une chaîne. Dans ce sens-là il y a des revenus qui sont justifiés strictement parce qu'il y a un réseau français.

1120

M. Grandmaître : Alors vous me dites, Monsieur Leroux, que l'entente fédérale-provinciale permet à La Chaîne de recevoir des octrois spéciaux.

M. Leroux : Oui, historiquement en 1985, Susan Fish, ministre du Parti conservateur, et Marcel Masse, ministre du Parti conservateur, ont annoncé la création de La Chaîne dans une entente fédérale de 30 millions de dollars. Le Parti conservateur du temps avait annoncé une contribution de 50 % de ce montant. Cette entente a été signée au début de 1986 avec les Libéraux, était poursuivie, et la création de La Chaîne a eu lieu le 1^{er} janvier 1987. Cette entente fédérale-provinciale existe depuis 1985 alors que Susan Fish, ministre de la Culture et des Communications du moment, avait signé l'entente avec Marcel Masse. C'est strictement lié à La Chaîne.

M. Grandmaître : Une dernière question, Monsieur le Président : Si La Chaîne n'existait pas, quelles seraient vos prévisions des coûts d'opération de TVOntario?

M. Leroux : Je vais vous donner une réponse. Quand La Chaîne n'existait pas, 17 % du budget de TVOntario était pour la programmation de langue française. Depuis l'existence, d'une vingtaine d'années, de la télévision de langue anglaise du réseau, on a toujours consacré une journée ou une programmation à la télévision. Il y avait 17 % du budget de l'ensemble de TVO à ce moment-là qui était pour la partie française. On ne peut pas dire que ça n'existait pas. Ça fait 20 ans que ça existe.

Dans un deuxième temps, si vous prenez le tableau 4, il y a beaucoup de projets qui sont financés par l'entreprise privée ou par des agences ou par des ministères qui sont

strictement liés à la réalisation d'émissions en français. Ce n'est pas une question de prendre des sous et puis les mettre dans une autre boîte. Il y a la vente de nos programmes, ce qui représente 7 %. Bien, si ça n'existait pas, ce ne seraient pas des revenus. Et il y a les octrois conditionnels que je disais tantôt, du fédéral, qui sont aussi des conditionnels qui existent dans une programmation française. Si je lis bien votre question, je ne connais pas tous les détails, Monsieur Grandmaître, mais la grande majorité de ces revenus-là n'existerait pas s'il n'y avait pas La Chaîne.

M. Daigeler : Le tableau 2, j'ai un peu de difficulté à comprendre exactement ce que veut dire les services communs. Il y a deux colonnes : un service commun français et un en anglais. Je pensais que ça devrait être une unité. C'est commun anglophone et francophone, je suppose, alors comment est-ce que ça se fait qu'il y en a deux ?

Mr Bowers: There is only one common service. This is the allocation of the cost of those common services to the English service and to the French service. We have one engineering department. We have one distribution department. They provide services to both English and French.

M. Daigeler : C'est l'allocation. Sur quelle base est-ce que vous avez fait cette distribution ?

Mr Bowers: In some cases the services are provided discreetly and solely to a particular service and we can take the total cost of that. In the case of administrative cost we have to allocate the cost on whatever rational basis we can find.

In the case of satellite distribution, both the English service and the French service use one transponder, so in that case it is allocated on a 50-50 basis. In the case of operating the transmitters, there are, I think, 25 English-language transmitters and three French-language transmitters so we allocate the vast preponderance of the cost of operating the transmitters to the English service.

In the case of the chief operating officer—myself—we try to come up with as good a basis. In my case, it would be allocated on the basis of the revenues we generate for both services, so it is roughly one third, two thirds.

M. Daigeler : Qui est-ce qui prend ces décisions-là ? Est-ce que c'est le conseil ou est-ce que c'est vous ?

Mr Bowers: It is the senior management who make recommendations to the board. The board ultimately approves the budget, so the board approves the policy. We do the technical administration work.

M. Daigeler : Quelle est la relation de La Chaîne avec le service similaire au Québec ? Est-ce qu'il y a d'autres provinces au Canada qui ont un même service ?

Mr Bowers: I would think Jacques Bensimon is the right person to answer that question.

M. Bensimon : Nous travaillons de très près. Si, par exemple, on regarde une recommandation importante qui a été faite au mois d'août à Windsor par l'Association canadienne d'éducation de langue française, qui est le regroupement de tous les enseignants à travers le Canada, ces gens-là ont dit que La Chaîne devrait être accessible à l'ensemble des Canadiens, à l'ensemble des francophones.

C'est pour vous donner une ampleur de l'appréciation, si vous voulez, de l'ensemble des enseignants sur notre matériel.

Ceci dit, nous travaillons de très près avec Radio-Canada, avec Radio-Québec, qui est notre contrepartie régionale au Québec, et très souvent avec l'Association des télédiffuseurs éducatifs du Canada, qui est le regroupement à travers le Canada de toutes les télévisions éducatives. Nous combinons nos efforts pour coproduire ou pour acheter certaines émissions ensemble et, en dehors de notre propre pays, avec tout ce qui est chaîne de type éducative, incluant la France, par exemple, avec le Centre national des outils pédagogiques, qui a signé avec nous une entente importante pour aussi coproduire des émissions.

Mr Daigeler : One final one; je l'avais oublié. M. Leroux avait dit que 17 % du budget était toujours réservé pour une programmation française. Alors, vraiment, il n'y a pas eu de changements dans l'allocation des dépenses.

Mr Leroux : Il y a toujours une participation assez importante de TVO à l'existence même de programmes en français et à la création de programmes. Les budgets supplémentaires qui ont été créés lors de la venue de La Chaîne l'ont été principalement sur une entente fédérale-provinciale, sous de nouvelles sources de revenus avec d'autres partenaires et aussi avec la vente de notre équipement, alors le 1^{er} janvier 1987, La Chaîne n'a pas occasionné à TVO une nouvelle dépense qui n'était pas connue. Il y avait déjà un pourcentage ; 17 % de ce budget-là était déjà alloué à l'existence du programme français.

Je voudrais revenir aussi, comme membre du conseil d'administration, à votre question concernant l'utilisation. Le bureau de direction de TVOntario a mandaté La Chaîne et la direction anglaise de la programmation à travailler conjointement à la réalisation d'émissions. Il est évident qu'il y a la section anglaise qui fait 90 % ou 95 % de ses programmes en anglais, et aussi la direction française. Mais contrairement à Radio-Canada où l'on voit deux identités, le bureau de direction de TVO a demandé que la programmation soit divisée mais que des services en commun existent. À Radio-Canada ce sont deux mondes différents.

C'est autour de ça, ces services en commun, que vous avez posé votre question. On partage un peu, tout le monde, les dépenses reliées au personnel, à la direction et à la publicité.

M. Marchese : Je veux tout d'abord vous saluer et vous féliciter.

I want to preface my remarks by saying I am a strong supporter of La Chaîne and wish it to continue in the way it has existed for quite some time now.

My first question is to the Chair. We had asked that this report be given to us in advance of the meeting. Can I ask what difficulties we had in getting it before today?

1130

The Chair: The researcher will answer that one.

Mr Pond: I cannot remember the exact date, but when the committee met and decided to have representatives of the Authority come back I was asked to contact them and I did. I asked them to provide some written material. As I

recall, they indicated they would be able to get it to the committee before today. As far as I know, this is the first time the committee has seen the written material.

Mr Marchese: It is always a problem because many of us want to reflect on the figures that will be before us. It is always important to get it in advance so we can think about those figures and be a little more prepared for the kinds of questions we want to ask. I just wanted to get a sense of why it did not come before us.

The Vice-Chair: Perhaps you could ask the people at the front why we did not get it.

Mr Bowers: I would ask Ross to respond.

Mr Mayot: It is my understanding that when we were advised that you would like to have us back for some discussion on the general area of La Chaîne, we never received any formal specific questions to which we could reply. I apologize if there was an expectation that you were going to get a response to specific questions, but to my knowledge we never were advised specifically what you wanted to speak with us about today.

Mr Marchese: I see. Our request was actually to get whatever it is that you would produce before us in advance, as opposed to answering particular questions. But I appreciate the answer. The reason we have had some difficulties, at least myself, is because when Mr Ostry came before this committee he raised some points.

One of the points was that La Chaîne consumed 30% to 35% of TVOntario's entire budget. I thought that was inaccurate. That is one of the reasons we wanted to have you here. But the figures more or less indicate there is that kind of expenditure. That is fine. What concerned me more was the other comment that followed that. To paraphrase it, he was concerned that La Chaîne not become a burden on the authority's scarce resources. Is that view shared by many in TVO, either board or administration? Was that simply a personal view that may have been stated? Or are you all here to indicate, as you have been, complete support for La Chaîne?

Mr Bowers: First of all, we are here to indicate complete support for La Chaîne. I think the thrust of his remark was essentially a plea that the government support us sufficiently so that we can program both services adequately.

M. Leroux : Si je peux répondre un peu politiquement à votre question, quand Monsieur Ostry était haut fonctionnaire à Ottawa aussi bien qu'ici à Toronto, il avait la réputation d'être une personne très dévouée à l'organisme qu'il défendait. À tout moment, s'il pouvait demander ou faire un plaidoyer pour plus d'argent pour l'organisme qu'il dirigeait, c'était un peu la réputation qu'il avait. Dans ce sens-là c'est absolument normal ; on sait comme membres du bureau des gouverneurs qu'il nous fait tout le temps des plaidoyers pour avoir plus d'argent.

Je pense que vous avez visé le conseil d'administration. Unanimement, le conseil d'administration, encore à peine six mois, a répété son appui complet à La Chaîne face à la future demande que nous devons faire auprès du CRTC. C'est unanime et pour nous, membres du bureau de direction, et je parle au nom

de tous les membres, La Chaîne fait partie intégrante de TVO. Ce n'est certainement pas un fardeau du point de vue de l'administration.

Mr Marchese: I do not mind individuals talking about the support they need to be able to carry on with their programming. The difficulty I had was that he focused on French programming and he made it appear as if that was dragging down the programming in general, talking about the difficulties for TVO in general. If he had talked generally about needing more financial resources for TVO, which includes French programming and English programming, it would not have been so bad. For me it was the particular focus he appeared to be giving to La Chaîne and saying that it is becoming a burden on the Authority's scarce resources. As you put it, I have no difficulty with that. As I read it, it did create some difficulties for me.

But I want to continue with some questions, because what I wanted to put on record are specific things that I think need to be said about La Chaîne. I want any one of you to talk about, if you have not already done so, the penetration level of La Chaîne to the French community, which numbers 500,000 or more, and TVO English programming and its penetration level, and how the two compare.

Mr Bowers: I would ask Jacques Bensimon if he would start the response to that question.

Mr Bensimon: We are talking about a potential audience among the francophones in this province of French mother tongue of about 500,000 people. The average audience for La Chaîne is 184,000. The key factor in all this, and I will give you some figures, is that we are at this point reaching 46% of all francophone children in this province who view La Chaîne on a weekly basis.

The second thing is that if we are entering into the field, and it is important that we speak about the niche-type of programming we are into, we are not a broadcaster trying to compete with Radio-Canada or CTV. We are in the education business and as such one has to take into consideration that there are schools out there that are using our programs on a daily basis.

The way it happens is that, for example, since the creation of La Chaîne we have a system called the Vipsrights, which are cassettes sent to schools. Of those cassettes which are sold or given to schools, 25% are coming from La Chaîne. If we are talking about the catalogue we have in terms of immersion programming, for example, at this point the catalogue represents 90% of the programs that are used in immersion schools. What we would like to talk about in our case is not viewers, but learners. When we are talking about learners, we are getting into a whole different field, and I wish that would be appreciated.

Mr Marchese: I also appreciate that. That was part of my second question in terms of who the main users are, and I think you have answered that fairly well. In terms of the penetration, you touched on it in part, but I wanted to know the relative penetration differences between TVO English programming and how many it reaches in the English language programming and TVO French and how

many it reaches relative to its own numbers. Do we have those comparative numbers?

Mr Bowers: I would ask Ross to respond.

Mr Mayot: If I may, just by way of distinguishing between the distribution systems per se and the audiences. As the committee members may recall from our appearance in August, the English language distribution system that has built up over the years in terms of transmitters and cable now allows us to reach 97% of the people of Ontario. In comparison, the French language network, La Chaîne, which is reliant predominantly upon cable, is at about a 75 percentile in terms of access. In other words, 75% of the people can even get it. In relation to that, we have submitted some plans to try to enhance the La Chaîne network so that the actual ability to receive the service can be increased.

Mr Marchese: Okay, Ross, but when you break that down further, the signal is able to reach 75% of the entire francophone community?

Mr Mayot: That is correct.

Mr Marchese: The signal of the English reaches 95%. Of that, when you break it down in terms of viewers, I know there is a higher rate of penetration within that 75 percentile of the people who can be reached. There is a higher rate of penetration with francophones than there is with the English and that is all I wanted to establish. But you do not have the figures?

Mr Mayot: You mean the relationship between the viewers and how many people watch on a weekly basis. On the English side it is something under two million viewers per week, and as Jacques said, on the French side it is about 180,000. In terms of the ratios, I have not worked those out but it could be modestly higher in relative terms on the French side, yes.

1140

Mr Marchese: Does Jacques have those?

Mr Bensimon: No, I do not have the numbers.

Mr Marchese: I just wanted to establish that it is higher penetration level of TVO and La Chaîne in terms of how many people watch La Chaîne and how many people watch English programming; it is a higher ratio.

The other question I wanted to ask was the cost of educational programming, English and French. Do we have the relative cost differences between the two?

Mr Bowers: It may take us a moment just to try to pull those figures from our information.

Mr Bensimon: I could in the meantime give you an idea of what it means for us, and we are looking at chart 2, which points to a direct budget of \$15.4 million. For that amount, in our case, we produce and co-produce the equivalent of 333 hours of original programming. But if you break it down into production, co-production and acquisition, overall La Chaîne has access to 1,519 hours of new programming per year, which represents a breakdown of \$10,138 per hour.

I would like also to stress the fact that when the CBC or Radio-Québec produces a show for \$150,000 to \$800,000, in our case that is a budget that allows us to

produce 13 30-minute programs that at times have a shelf life of about 10 years and that are used by many generations of Ontarians. Because when you display a mathematics or a trigonometry aspect of learning, that goes on living. It is not like a news program or a documentary that dies out.

I do not have the figures to compare with the English, though.

Mr Bowers: I can give you an approximation of the ratio in La Chaîne. We do not have the numbers for the TVO English service here. In terms of direct programming, we spend \$5.998 million in adult in the French service; we spend \$7.7 million for services to what we call enfance and jeunesse, as well as utilisation, which is working with the teachers. So the ratio of \$7.7 million to \$6 million is a sort of raw, very rough estimate of the ratio of the amount of money we spend for formal education. I say that is rough because included in the \$6 million for adults is adult education. Things like adult literacy, distance education and teacher education are all included in that \$6 million. So within the ratio, even more of the money would be spent on formal education than those numbers would indicate. We can certainly get you the numbers for the other service; we just do not have them with us.

Mr Marchese: I want to make up one last question and then I want to give you some figures for the purposes of information so that they go on the record. Almost 50% of francophones have not completed high school, and illiteracy levels among francophones are twice those of non-francophones. That was alluded to earlier. Only 43% of francophones have access to a college campus offering programs in French within 40 kilometres.

In comparison, more than 90% of Ontarians can access English-language programs. The participation rate of francophones in post-secondary education is half that of non-francophones. They tend to be marginalized into low-skill, low-paying and high-risk sectors of the economy, and 80% of francophones live in the regions of the province characterized by weak economies. Further, francophone women are particularly marginalized. They tend to occupy non-unionized jobs, and twice as many women as men earn less than \$10,000 per year. In 1986, 40% of francophone men and 70% of the women were earning less than \$20,000.

In your view, do these figures confirm for us why it is essential to have La Chaîne in existence?

Mr Bowers: Jacques and then Rhéal.

Mr Bensimon: That is basically what our program is all about. If I take back every one of the items you have listed, in terms of literacy we are working very closely with the grouping of the 26 francophone illiteracy organizations in this province. We are entering now into phase 2 after having produced a major program three years ago on this subject.

In terms of colleges, we work very closely with the Cité collégiale. We have a memorandum of understanding with the Cité collégiale, a three-part understanding where we train some of the people; we work with them. Some of the students of the Cité collégiale have now been hired by

La Chaîne. We work also with all colleges and universities. I am including Laurentian, Ottawa, etc.

In terms of the difficulty of the youth in a francophone area, a year and a half ago we opened a sector dedicated to that age group, and we have an advisory body made up of youths, of francophones throughout the province, to advise us on the matter.

In terms of distance education, the difficulty of reaching the population is the bulk of what Peter was pointing out in the adult programming area. In terms of formal courses, a lot of the subjects that have been touched upon, such as women's issues or violence in the family, are courses that now are available within our catalogue.

M. Leroux : Permettez-moi un dernier commentaire. Le rôle des fonctionnaires est de nous donner les chiffres précis sur l'existence de La Chaîne et sur les coûts, mais je pense que le rôle des gens qui prennent les décisions c'est de voir aussi à aider au développement d'une communauté.

Les chiffres de la communauté franco-ontarienne que vous avez présentés démontrent le besoin réel de faire des efforts. Quand on fait des efforts, des fois il y a des coûts associés à ces efforts-là pour donner une chance égale. Il ne faudrait pas le cacher ; quand la communauté franco-ontarienne faisait des démarches auprès du premier ministre du temps, Bill Davis, pour la création de La Chaîne, c'était exactement pour donner aux jeunes Franco-Ontariens et aux jeunes Franco-Ontariennes les mêmes droits et les mêmes chances qu'aux autres. Ce n'est que depuis 1987 qu'un jeune, qu'il soit franco-jeunesse ou dans une autre école, a accès à La Chaîne et à la même justice.

Par contre, pour corriger tous les problèmes, ça va demander encore plus d'efforts, plus d'énergie, et malheureusement, dans bien des cas, plus de dollars.

M. Marchese : D'accord. Merci à vous tous.

Mr Wiseman: I have a couple of questions. You run a public request for funds, donations. How does that compare in terms of money coming in? How much money comes in from the La Chaîne side and from the TVO side?

Mr Bowers: I will ask Ross to respond to that. It is his area.

Mr Mayot: Our membership campaign generates just short of \$4 million a year. That is overall, including the contributions that come in from the francophone component of society.

Recognizing that there may be a different approach to take with the francophone community around membership, we established last year the first telethon. It is on La Chaîne and it is a direct appeal to the francophone community. It turned out to be very successful as a startup initiative. We will be having our second telethon at the end of February 1992, so we are not only developing the overall membership campaign appealing to all Ontarians, but are recognizing the special measures that might be appropriate for the francophone community. Jacques may have a perspective on the telethon as well.

Mr Bensimon: If I could be allowed to speak just a few minutes about this telethon, it was by itself a happening on the air. It was incredible the way it was lived through. Basically it ended up with \$100,000 that was

given by a community of 500,000 people. On top of that, this year we have a commitment from Ontario's regrouping of francophone teachers, l'Association des enseignantes et des enseignants franco-ontariens, to have its members fully participate in the process themselves and commit themselves. We are talking about 6,000 teachers related to l'AEFO who commit their full participation and support.

We had participation from la Fédération des caisses populaires where all the employees collected money in order to give it to La Chaîne. It is that kind of grass roots we are reaching into when we are doing it at the La Chaîne level, but we are only doing it for the second year. TVO, on the English side, has been doing it for much longer than that.

Mr Wiseman: We have talked basically in dollars and cents here for the last almost 50 minutes. Is there any way you can give us a little bit better appreciation—I know some of it has already been there—of the true value in terms of societal needs and fulfilling the needs of the francophone community in Ontario that cannot be measured in dollars and cents? With that grass-roots outpouring of support in dollars and cents we can see that, but is there any other way you can give us some sense of the value?

1150

Mr Daigeler: I think you should ask Mr Runciman that question.

Mr Wiseman: Well, the question will be in Hansard and therefore it will be on the record.

The Vice-Chair: Direct your question to the witness, please.

Mr Wiseman: Sorry. Carry on.

Mr Bowers: First of all, let me say we have one more document we would like to table with you. It is called Récents témoignages sur La Chaîne de TVOntario. This is a series of quotations from various francophone groups around the province commenting on the impact of La Chaîne on their activities. I am going to ask Jacques to respond a little further.

I just want to make one other point, which is that when we were talking audience statistics, we were talking about the Bureau of Broadcast Measurement statistics. They measure, as imperfect as they are, the at-home audience. They do not measure the audience in the schools; they do not measure the teachers' use and that sort of thing.

With those comments, perhaps Jacques may want to speak just a little further about the impact of La Chaîne on the francophone community.

Mr Bensimon: Just for the record, Mr Wiseman, I would simply state that La Chaîne's mandate is really derived not from its funding but from public policy. It is important to straighten that out.

Perhaps I could be allowed just a few minutes. In this time of a lot of uncertainty at the level of our country, we have through La Chaîne, as Ontarians, given a voice to a lot of people who up to now were absent from the democratic process. I think what we sense on a daily basis at La Chaîne is that, be it from a child who can recognize his peers on the screen and recognize himself as an Ontarian

and as somebody belonging to this country, that effort is quite unique and quite exceptional in this country. It is all a tribute to our province and to what we have done.

On top of that is the fact that you have a forum, a place of debate where you can exchange, where you can bring a different point of view on this country, aside from the point of view that is too often monolithically given to Quebec as far as francophones are concerned. We now have francophones who are able to state their views in this province at all kinds of levels, be it youth, children in school, etc.

I think above and beyond that is the kind of cross-cultural element Mr Rhéal Leroux was talking about. We have an institution, TVOntario, which is fully integrated. We might be on different floors as far as the English side and the francophone side, but the exchange that is taking place is of immense value.

I will just cite an example. There is a program on the English side called Imprint, and on the French side A comme Artiste. They got together and produced a program this week where they basically translated for each other's viewers, but we had it on one screen for the two of us and the two cultures were out there exchanging. That says a lot in this day and age. In my estimation, as an immigrant coming from another country, it proves to me that my father was right when he told me that in this country there is a fairer equality and there is cohabitation between French and English in this province.

Mr Bowers: Perhaps I could just ask Mr Leroux to comment from the perspective of the board.

M. Leroux : Comme homme d'affaires, il est toujours difficile de ne pas ramener les choses sur le plan économique. Je pense qu'on a parlé de dollars. Moi, j'aimerais seulement finaliser votre question en vous parlant de retombées économiques. La Chaîne a permis à des jeunes Franco-Ontariens et à des jeunes Franco-Ontariennes de devenir des techniciens, de devenir des réalisateurs et de devenir aussi des chercheurs. Il y a tout un impact économique qui n'a pas été mentionné ce matin qui a été créé dans cette province par la création de La Chaîne. On a créé des emplois. De ces emplois, on a créé des professionnels, des techniciens ou des réalisateurs pour réaliser les émissions de La Chaîne, alors ça c'est un impact. Je suis très heureux de votre question parce qu'on ne peut pas évaluer un programme strictement basé sur des dollars et des sous et en comparant entre l'anglais et le français.

Le dernier point que j'aimerais mentionner, et je trouve qu'il n'a pas encore été assez mentionné ce matin, c'est que La Chaîne est aussi un service pour la communauté anglophone. La Chaîne vise les 500 000 anglophones de cette province qui comprennent ou parlent le français ou qui sont dans des écoles d'immersion. Ça, c'est important au niveau de La Chaîne. Au bureau de direction, on donne continuellement des directives à notre personnel de ne jamais oublier ces 500 000 anglophones qui regardent La Chaîne une heure ou quelque temps par semaine et qui peuvent aussi se procurer les émissions pour améliorer leur langue seconde.

Mr Wiseman: I agree with the last one because I am one of those people. I am not very conversant in French, but I am working at it when I watch La Chaîne, to pick up some, whatever I can.

The last question I have stems from my background as an educator. As Ross knows, I taught for 15 years. I used TVOntario extensively. I saw the value of it, either entire shows or using clips that were useful in the classroom and stimulated discussion and gave a perspective that was not always available from paper and straight verbal descriptions. So I do understand the value of the educational aspect of both the French and English sides.

My question has to do with measurement. I do not know if you can answer this or if you have done any studying, but are you able to measure at all the educational aspect of La Chaîne in terms of literacy and so on in the audience you are reaching? Can you measure that at all, to give us any kind of sense of how successful you are in terms of improving the quality of life that Rosario just indicated, in terms of making that a better part of the world?

Mr Bowers: Perhaps two bits of evidence: One is the response of the francophone community which we will table with you. Another is the study we do with the Ontario Institute for Studies in Education in terms of the use of TVO and La Chaîne programs in the classrooms and the growth of use by teachers over a five-year period, that sort of thing. We could table that study with you as well. It is a very positive result. I cannot quote the figures off the top of my head, but it is very encouraging growth in both the French service and the English service in terms of use of programs.

Perhaps Jacques would like to respond a little further in terms of the success factors.

Mr Leroux: As a direct answer to the impact on illiteracy, it is something which is hard to measure. As somebody who is in the teaching field, I could give you a figure.

The use of video, since the creation of La Chaîne in school, has moved from 35% to 84% in classroom use in the francophone schools. That gives you an idea of the impact.

As you know, every program in that pie you have in there which deals with education is developed very closely with the Ministry of Education guidelines and curriculum guidelines. As far as that is concerned, we meet on a regular basis with the Ministry of Education. We meet on a regular basis with the 26 illiteracy groups. Last year, we had 1,007 participant teachers in courses that we give when we move around the country and workshops that we organize.

We work very closely with the University of Ottawa as far as training teachers in the teaching of science is concerned. On top of that, starting in January, we have a new twice-a-week program that will be on-line direct to teachers throughout the province in order to help them in training, but also in order to exchange among themselves as to the different approaches that are made to the pedagogical element by different teachers throughout the province. That would be a live program repeated at a different time during the day.

The Vice-Chair: Thank you for appearing before the committee this morning, you and your group, Mr Bowers. We appreciate it. The hearings now will be concluded. If we need further input, we will be in touch.

Mr Bowers: Thank you very much for the opportunity to appear. We can provide you with any information if you require it.

The Vice-Chair: I have asked the clerk to contact the subcommittee members for a specific time to meet tomorrow. I think it would be appropriate if Mr Runciman was here, because of the fact of our scheduling for January and February. If that is agreeable to the subcommittee, then we will meet tomorrow. The committee now stands adjourned.

The committee adjourned at 1201.

CONTENTS

Wednesday 18 December 1991

| | |
|---|-------|
| Appointments review | A-737 |
| Hannaford, Verna L. | A-737 |
| Adams, Frances | A-739 |
| Ontario Educational Communications Authority / Office de la télécommunication éducative de l'Ontario | A-742 |

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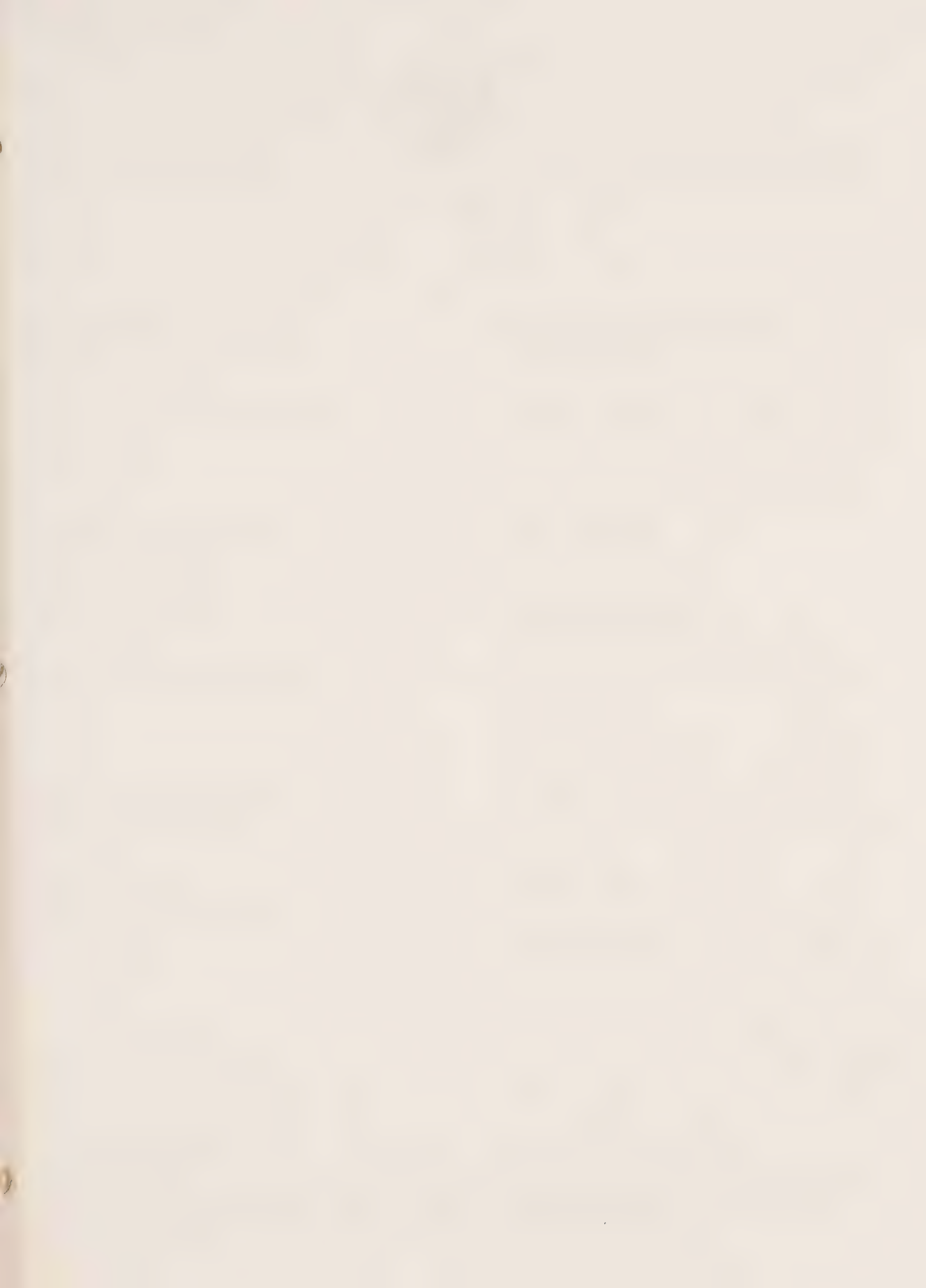
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Tuesday 14 January 1992

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Le mardi 14 janvier 1992

Standing committee on government agencies

Agency review:

Ontario Board of Parole

Comité permanent des organismes gouvernementaux

Examen des organismes
gouvernementaux :

Commission ontarienne des
libertés conditionnelles

Chair: Robert W. Runciman
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Table of Contents

Table of Contents for proceedings reported in this issue appears at the back, together with a list of committee members and other members taking part.

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Table des matières

La table des matières des séances rapportées dans ce numéro se trouve à l'arrière de ce fascicule, ainsi qu'une liste des membres du comité et des autres députés ayant participé.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Tuesday 14 January 1992

The committee met at 1007 in committee room 2.

AGENCY REVIEW

Consideration of the operations of certain agencies, boards and commissions.

ONTARIO BOARD OF PAROLE

The Chair: Before we begin, I want to mention that we have a couple of documents before members provided by our researcher, the result of some questions posed yesterday. Also, we have some materials that the parole board has provided. Would you like to have those circulated to members now?

Mrs Henriksen: Yes, we do have some copies.

The Chair: The clerk has them, so we will circulate them now. Welcome to the committee. Would you like to introduce yourselves for the record?

Mrs Henriksen: Thank you. My name is Sheila Henriksen. I am the chair of the board. With me is Jenny Blais, the vice-chair of the eastern region; I understand this committee would like to ask some questions about the eastern region. Also here is Denise Bellamy. Denise is the director of legal services for the Ministry of Correctional Services and the legal adviser to the board. Ken Sandhu is the executive vice-chairman of the board.

The Chair: Thank you. Once again, welcome all. Do you have an opening statement before we get into questions?

Mrs Henriksen: I have, and I will try to be as brief as I possibly can. It is not often that an agency head gets the honour of appearing before this committee twice in less than two years. I know there are some faces that were here approximately two years ago and others that were not. At my last appearance here in February 1990, I was able to share with the committee a very comprehensive description of the board and its role in the criminal justice system. However, as those comments were captured in the previous Hansard, what I plan to present today is a brief overview, a brief report on the initiatives under way two years ago, as well as to highlight some of our plans for the future.

Since February 1990, it is no secret that times have changed. Today, we live and work in a climate of severe economic hardship and financial restraint. Let me say at the outset that the board is acutely aware of the need to exercise restraint and is doing its share to the extent possible without, by virtue of the nature of its business, jeopardizing public safety.

The Ontario Board of Parole is one of three provincial parole boards in Canada, the other two being the British Columbia Board of Parole and the Quebec Parole Commission. The Ontario board takes its authority from the provincial Ministry of Correctional Services Act and its

regulations, as well as the federal Parole Act, which specifies the three criteria used for granting parole. Because of the split jurisdiction of criminal justice in Canada, the board is responsible only for adult offenders in Ontario serving sentences of less than two years.

On the whole, the board deals with the less serious type of offender population, in comparison to its federal counterpart, the National Parole Board, but it is not without its share of difficult cases. Most cases appearing before the board are serving sentences for property-related offences. Although the board does not deal with young offenders, persons under the age of 18, some offenders who appear before the board are graduates of the young offender system or are serving young offender sentences in addition to an adult sentence.

The board is a decentralized organization with five geographic regions which cover the province and its 46 correctional institutions. Regions in close proximity to the Metropolitan Toronto area deal with high case loads, while the sparsely populated northern region, which conducts fewer than 10% of all board hearings, must contend with great physical distances in getting members to parole hearings.

The chair's office is located in Toronto and the board membership consists of five regional vice-chairs in charge of each of the regional offices—Jenny Blais is one of those five—12 full-time members and 99 community part-time members. A profile of the overall staff and membership supports the board's efforts at compliance with employment equity programs. Among a total complement of 150, there are 82 females, 17 visible minorities, seven natives, three persons with disabilities and 27 persons with bilingual capabilities.

The Ontario board is unique in that members of the community participate in every parole hearing. Community part-time members lend strong community representation to the board, and they bring a vested interest in the safety of the community to the parole decision-making process. In the eastern region, there are currently 16 community part-time members. Seven of them provide services for hearings in the French language.

Parole decisions in Ontario are made by a quorum of board members, usually consisting of two community part-time and one full-time member who chairs the hearings. Under the existing legislation, provincially sentenced inmates are eligible for consideration for parole after serving one third of their sentence. While every inmate has the right to be considered for parole, she or he does not have the right to be granted parole. Parole is a privilege.

Inmates who were sentenced to six months or more are automatically scheduled for an in-person hearing before the board. Those serving sentences of less than six months are required by legislation to apply to the board in writing. Of the cases considered by the board in a given year, about

80% are sentenced to a term of six months' imprisonment or more and one fifth to less than six months.

Our expenditures for the last fiscal year amounted to \$4.4 million. During the year the board held around 7,000 hearings in institutions and approximately 1,000 case review meetings in the regional offices.

On the whole, the board grants parole about as often as it denies parole. In 1990-91 the board granted parole slightly more often, with 2,995 grants and 2,748 denials. In the eastern region in 1990-91 almost 1,500 institutional hearings and 200 case review meetings were held. As a result of these, 624 parole granted decisions were made and 471 denials. The board releases about 4,000 parolees every year and actively monitors the ministry's supervision of these parolees. About 85% of those released on parole complete their terms of parole without violations.

The board is empowered to suspend and revoke parole where it believes there are reasonable and probable grounds to do so. Approximately 15% of those released are revoked prior to completion of their terms of parole. Of this 15%, about 13% are revoked as a result of violations of parole conditions or at the request of the inmate, and the remaining 2% as a result of further convictions or charges.

Offenders can voice their dissatisfaction with a board decision or process by appealing to the chair, to the Ombudsman or to the human rights commissioner. In the five cases investigated by the Ombudsman since 1986, all have been resolved to the satisfaction of the Ombudsman and the offenders. Four appeals were withdrawn by the appellants and one was ruled in favour of the board. On average, two appeals per week are made to the chair by aggrieved offenders.

The hearing process itself is not adversarial. It is an informal process by judicial standards. It has been designed and legislated this way largely because of the brief term of incarceration of the offender population. Given the fact that the average aggregate sentence in 1990-91 was 79 days for men and 56 days for women, it is essential that the board provide an expeditious hearing, appeal and decision-making process.

Let me now turn to a very brief progress report. Since we were here in 1990 the board has introduced procedural safeguards to try to balance its interest in natural justice and fair process and pressures for an expeditious system.

The offender is given a minimum of 48 hours' notice of the scheduled hearing. Most are aware of the process from having reviewed the board's pamphlet entitled *Preparing Yourself for Parole*—which is like preparing yourself for the standing committee—and that is available in French and English. Many have also viewed the board's video by the same title. That video is available in English, French, Ojibway and Cree.

1020

All the offenders appearing before the board would have been interviewed and briefed by a probation and parole officer, who provides institutional liaison services. Offenders have always been permitted to have an assistant at their hearing. However, increasingly, more are choosing to bring their lawyers as assistants and the board's recently revised policies are accommodating this practice.

During 1990-91, the board enhanced its policy on decision-making by breaking down the three legislated criteria into discrete factors for parole consideration. We find that this policy has promoted more consistent and standardized decision-making.

Those of you who were here when we last appeared before this committee would remember that we were in the process of developing a policy and making plans to audio-tape all hearings. All parole hearings are now taped as standard practice. This has greatly facilitated our process of reviewing decisions in response to inmate complaints and has assisted in our member evaluation process.

The board also has issued a new and revised policy and procedures manual. This was done shortly after our appearance here. The manual is the culmination of several years' work. It is the definitive statement of the board's standards, policies and procedures, which are expected to promote consistency in practices and to aid in member and staff training and development.

We recently published a facts book to provide the public with accurate information about the board and about parole in general. This was distributed to you as we began the meeting this morning.

We have also followed up our initiative with respect to victims. Members of the community, especially victims, have at times voiced considerable frustration with the criminal justice system, including the board, in what they experience as a fragmented and unresponsive system. So the board stepped up its campaign to inform the public, especially victims, about the parole process and about ways in which individuals can express their concerns and views to the board and provide input to the decision-making process. In 1990-91, we implemented a new policy and produced a public information pamphlet which describes how victims may participate in the parole decision-making process.

Another initiative undertaken recently was in the field of staff training and development. Aside from our very comprehensive basic orientation program for new members, we now offer requisite courses on interviewing, chairing hearings, case preparation, writing and making decisions, and human rights awareness.

A quick review of our statistics in the package you have will probably tell you a great deal about what the board does in terms of our day-to-day business, but will tell you very little about what our goals and objectives are. I have just given you a snapshot of our recent achievements. The board is striving for improvement on many fronts. We are very sensitive to external forces, and responsibly so.

We have a plan for the next five years. We have just completed an extensive corporate planning exercise, and we are in the middle of finalizing our plan for the coming fiscal five years and onwards. Over the next short while we will be developing a professional standards code for members, undertaking a comprehensive review of parole board legislation, updating our offender parole information and community part-time membership pamphlets, assessing the impact of the Askov decision on board operations, reviewing the board's practice of setting special parole

conditions, and investigating the feasibility of and defining what we call open hearings for the board. We will also be discussing with the ministry new approaches in technology to improve and expedite our day-to-day operations.

Admittedly, we have set a challenging pace for ourselves, but I am personally committed to strengthening the services of the board, and, based on the determination and the enthusiasm I have seen in the members during my tenure on the board for the past five and a half years, I am confident these issues will be resolved as we have targeted them.

Before I close, Mr Chairman and members, I would once again like to invite you any time you so wish to observe a parole hearing in any one of the institutions. I would be very happy to make those arrangements for you.

I thank you again for this opportunity today and I would now be pleased to respond to your questions.

The Chair: Thank you very much. I am going to look to the official opposition to lead off questioning and then we will go in normal rotation.

Mr Callahan: I have seen instances where a person on parole has been rearrested for perhaps an allegation of another crime and at the bail hearing the court is told that the accused is on parole, but it has not yet reached the stage of a warrant being issued so there is no revocation of the parole.

First, are you aware that these people are sometimes held in custody or detained because they are on parole without there really having been a warrant of suspension issued, or if they are granted bail they are detained pending the suspension taking place? Are you aware of that happening, and, if you are, what steps are being taken by the parole board to perhaps bring to the attention of the authorities that this is actually an unlawful detention?

Mrs Henriksen: I am not aware of any of those situations, because normally if the parolee is arrested we immediately would issue a suspension warrant. I am not aware of situations where the person is being held and the warrant has not yet been issued.

Mr Callahan: That is something I certainly want looked at. It does happen, in fact. What happens is that the defendant is arrested on a further violation or crime that is alleged against him or her, and more often than not you will hear this person is a parolee, but there has been no revocation of the parole either because the parole board does not know about it yet or there have not been steps taken. These persons may very well be either denied bail on that basis, which seems to be inappropriate, as the parole board, if it decides not to suspend the parole—or it is put over for three days to find out what the parole board is going to do; in the alternative, they get bail but they remain in custody pending something being done by the parole board.

Mrs Henriksen: It is bordering on being a legal technicality, and I may ask Denise Bellamy to improve on my response, but I think that while they are being held the board would be notified immediately. I do not know of any situation where they might be held for days without the suspension warrant being issued. But Denise might want to add some information to that.

1030

Ms Bellamy: It is important to note that there may be a distinction between whether someone is on parole with the Ontario Board of Parole or with the federal parole board. It may be that the person is on parole with the federal parole board, in which case the defendant might need to be kept for them to come and do a suspension hearing.

In so far as whether or not the person is being detained unlawfully is concerned, if the police make the determination that the individual should be kept in custody because he or she is a parolee, it is not something that comes within the jurisdiction of the Ontario Board of Parole, and, as you know, the police and crown would then determine whether to have a bail hearing and whether the person should be kept. In determining whether the person should be released, I think either the justice of the peace or the provincial court judge would take into consideration that he or she is a parolee in deciding whether the person is a risk to committing further offences.

Mr Callahan: You may be right. As I read your fact sheet here, the Ontario parole is not revoked until a warrant is issued for the arrest of the accused. Until that point that parolee is still free. Is the system different in the federal parole system?

Ms Bellamy: I think sometimes it may take a little longer for them to actually proceed with their hearing.

Mr Callahan: What I am getting at is, is the system the same, that the parolee is still on parole until a warrant is issued?

Ms Bellamy: I would be surprised if it were not, but I am not sure.

Mr Callahan: That is my concern. I have a second question, if I might, Mr Chairman, unless others have a burning desire to—

The Chair: Go ahead.

Mr Callahan: This does not relate directly to parole but it is akin to parole, the question of intermittent sentences and temporary absence passes.

It has come to my attention that the correctional facilities that need be available, from the standpoint of risk, entry and exit, for people who receive a sentence in excess of 90 days is backlogged unbelievably. People are in fact being cleared for temporary absence passes and then are being retained in custody because there are no adequate facilities for them to come and go, from their jobs and back to the facility at night, compared to the 90-days-or-less sentences, which are termed intermittent, which are being served on weekends. Apparently there is no difficulty whatsoever in servicing those inmates on weekends, because presumably they only come in once and exit once. Are you aware of that? I presume you would be, being in the parole business. Are you aware of that, and if so, can you explain to the committee what the difficulty is and what steps are being taken to remedy it?

Mrs Henriksen: There are two parts to your question. I am aware of the temporary absence program. As you rightly said in the beginning, it is really not within our

jurisdiction to administer the temporary absence program, but yes, we are aware of it.

Maybe I could approach it from this point of view. The parole board requires a minimum of three weeks to obtain its documentation to conduct a parole hearing. This virtually eliminates most or all of the inmates who are serving 90 days or less, whether in an institution or on an intermittent sentence. That time requirement, given that the eligibility date is at one third, if you are serving 90 days or less and you have to apply for parole, virtually eliminates the group of people that the board can see in any greater numbers. When one adds to that the fact that on average the aggregate sentence is 79 days for males and 56 days for females and that in 1990-91 80% of aggregate sentences served less than 123 days, it is quite unlikely that the board would be able to have a considerable impact in helping out the ministry with this backlog of short-sentence inmates you are talking about.

There is, however, a very active temporary absence program within the ministry itself. I do not know precisely what is being done about that because, as I said, it is not within my mandate, but I do know that we have made it known to the ministry that we will be happy to take a look at paroling more short-sentence inmates, provided we are able to get the documentation on time, early in the sentence of the inmates who are doing short sentences, and we will not vary any of the criteria for parole; we will stick to the legislated criteria when we are considering the cases, even though they are short-sentence cases.

Mr Callahan: So even though it is not within your jurisdiction—I am getting this on the record—the fact that you are not able, because of the shortness of an intermittent or 90-day sentence, to parole those people—

Mrs Henriksen: We do parole them. They have to apply for parole.

Mr Callahan: Right, but it may eat into a significant part of their sentence. In fact many of them may refuse it, because if they get paroled they have to serve the whole sentence whereas if they just go out on the one third off they would be out in 60 days, so they might choose to go the 60-day route as opposed to being, colloquially, under the gun for another 30 days.

The thing that concerns me there—and it is something I brought to the committee's attention yesterday and I brought it to the attention of the Solicitor General—is that judges are being informed that if they order an immediate temporary absence pass, that inmate will be out lickety-split to his or her job. I understand that this is not the case, that there is a tremendous backlog. People who have been cleared for temporary absence passes are sitting there cooling their heels in correctional facilities, perhaps losing their job, so they therefore equally lose that pre-clearance to a temporary absence pass, because if you do not have a job, that sort of triggers that; you are out of work.

The thing that concerns me is the inmate, yes, but more important, (1) the judge has been given wrong information and has based his sentencing on that, instead of perhaps giving an intermittent sentence where they could serve it on weekends, and (2) the families of those people, which

rely on that person for supporting them, have lost their breadwinner and they wind up on some form of social assistance, which impacts on everybody, and most specifically on that family and young children who are relying on their father or their mother—depending on who the breadwinner is and who the inmate is—to cover that cost.

I understand what you are saying, that the parole board does not have any jurisdiction over that, but I think that has to be looked at in the overall picture in terms of parole, that if in fact the institutional problem—I call it systemic, just like our courts. If the backlog is taking place, then that should impact on the question of parole and how fast people are paroled, particularly if they have a job. I suppose if they have a job, that is a big plus for them in terms of getting out on parole. Would that be a fair statement?

Mrs Henriksen: Yes, I think a very broad look will be taken in the near future. You probably are aware of the justice review project that will be entertaining hearings and conducting seminars. In fact, it is going on throughout this month.

Mr Callahan: Is that the diversion—

Mrs Henriksen: That is part of it, but it is really going to be looking at the whole criminal justice system within the province, not just parole but I think the whole court system, the police, parole and correctional services as well. There is the kind of overlap, I think, that you are indirectly referring to with parole and temporary absence, and I am pretty sure that those aspects would be looked at when this review is finally undertaken.

Mr Callahan: Finally, I would just—

The Chair: Mr Callahan, you have had about 12 or 13 minutes. I am going to impose an arbitrary guideline, if you will, that the members have 10 or 12 minutes, so as many as want can have an opportunity. Is there any member of the Conservative Party? Mr Jackson.

1040

Mr Jackson: Madam chair, welcome, and thank you for your presentation. I want to move into the area of victims' rights and the degree to which the board is working with this movement.

In the justice field, of course, with its adversarial nature, both rights for victims and rights for the accused and incarcerated are evolving and there is a tension between them. In that context we cannot simply say they both are evolving equally and successfully. There is a tension there.

I want to get some feedback from you about the taping. I was surprised to hear you suggest that the taping was a request from the inmates, and I sensed there was some degree of satisfaction from them that you are now taping all of them. I can understand the context in which legal counsel would be more pleased with a completely transcribed version of a parole hearing. On the other hand, that acts as a form of intimidation to the victim who wishes to speak freely about its impact.

Having said that, I want to get some feedback from you about how we are being more proactive with victims' rights and access. If you could speak to me in statistical terms, it would be helpful about growing numbers of submitted cases, the nature of how a victim's impact statement

is derived, how it is handled—I am sorry, we know how it is handled; it was very clear in your documentation. I am trying to get a sense of how it is generated. Are the crown attorneys routinely advising victims? Are they finding out about it because of their protracted anguish?

These are the kinds of things I would like to get some feedback on, a better sense of this. When I reviewed your previous presentation before the committee, this area was not dealt with at length, so this represents a new area the committee would like to spend perhaps a few minutes on.

Mrs Henriksen: If I may correct something you said with respect to the taping of the hearings, the taping is really not requested by the inmate. If the inmate does not want to be taped, the inmate can refuse to be taped.

Mr Jackson: Excuse me, but you did say you were now routinely doing them. The information to the committee was that this was an option. The new information today was that you said you are now routinely taping them, and Hansard will confirm that you somehow linked a response by your board to the inmates. We could review your comments in Hansard.

Mrs Henriksen: We can, and you are correct that we are now routinely taping them. However, if an inmate does not want to be taped, there is no pressure on that inmate to have the hearing taped. We will do it the way we used to do it before, by taking notes by hand. That is all I wanted to correct.

With respect to the victims, you are correct, that is a new policy area for us as well. It was something we gave considerable thought to before we developed the policy. Basically, when we tried to find the reality in terms of developing a policy for us as a board, it was not possible for us to contact every victim of every case we heard.

We had some consultations with some victims' groups. What we ended up agreeing to was that we will entertain representations from victims if they so wish. We wanted to stay away from the idea of forcing victims to make presentations before the hearings. So if a request is made to us, then we will entertain that request, and it could take various forms. It could be in the form of a written submission that the victim may make to the board or it could be in the form of an oral presentation, or by telephone, with various safeguards to ensure that it is the right person we are speaking to.

We feel that the victim has some sort of role to play and that this document is taken in balance with the other documents we have before us when a hearing is being conducted.

In terms of numbers, it is a very timely question because we are right now in the process of conducting a survey just to determine for ourselves to what extent the victim policy program is really being used by victims out there. We have the assistance of the research department in the ministry to help us conduct a survey that would give us much more solid information with respect to victim participation in the parole decision-making process.

Mr Jackson: Very briefly, because my colleague has a couple of questions: On the hearing process, if you have not completed the draft of the survey, could you assure us

that you would want to get a handle on how they found out about access to an impact statement and their ability to submit it to the parole board?

The reason I say that is that I am familiar with the arguments about enforcing a victim's right to apply. The other end of the spectrum is their not knowing they could apply because one proceeds so cautiously. My concern is there is a balance there, and if the crowns are not routinely advising, then who is? Simply leaving a pamphlet in a courtroom when a victim is traumatized at the outcome or process of the court proceedings—if they fail to pick it up, then how do they know?

Your statistics would enlighten you as to how effective any program is in terms of access. That is my concern. There are some jurisdictions in this country which are very proactive in this regard. I do not wish to suggest you are not proactive, but you do not have the statistics to tell you that you are, nor do you have a policy which indicates it is proactive. You are not denying the existence of a victim, but if they do not come forward in any meaningful numbers then it is hard to call that an effective victims' impact program.

Mrs Henriksen: The point is well taken. I think until we get some idea of the usage of it out there, I probably will not be able to say much more. In our case, we had to think of that because we had to try to devise a way to get the message out to as many victims or even non-victims as possible. We have a fairly wide distribution of that pamphlet, including your offices. I believe we did send copies to the offices of the members of the current Legislature. All those went out.

We also distributed to as many victims' groups as we could know about within the province. We had copies in libraries and certainly within the criminal justice system itself.

It is one thing to have a policy but if somebody does not know about it, you are quite right, it probably would not be as effective as it could be; but we will not know until we take a closer look through this study.

Mr Jackson: I want to thank you for your responses.

The Chair: I want to jump in here. We had an agreement yesterday—I have had some confusion expressed already—that we are going to do a normal rotation. If you are yielding the floor, I am going to move on to the NDP and Mr McLean will get an opportunity as we go through the normal rotation. If you do not want to yield it, I will allow you another four or five minutes.

Mr Jackson: I simply wanted to close by saying my interest in this area is no secret. I have been promoting a victims' bill of rights for the second-last province in Canada not to have one. It would be the sort of guiding force to encourage the parole board to restructure its thinking and policies with respect to victims in this province. So far, the governments of the day have not seen fit to move in that direction, but recently the committee has been given information about this issue and how other provinces are reacting.

Not to suggest you are not moving in this area, but we are aware that other provinces are moving perhaps further in this area than we are here in Ontario. Certainly you are

not mandated in any legislative framework to proceed in this area. It is a voluntary guideline as suggested by the Attorney General that you look into this area, but you are under no obligation legislatively to respond to victims' needs to any great extent in this province. I disagree with those who do not believe we should proceed. I do not necessarily indict the parole board for its views because that is not the issue here.

1050

Mr Frankford: There is a quotation here in the research document we had from your corporate plan. It is on page 14 of our document. It says:

"More offenders appearing before the board for parole consideration are burdened with a variety of psychiatric, psychological and behavioural disorders. This changing offender profile means more information is required by the board to assess parole suitability (that is, professional assessment reports and offence details). It also means more support must be extended to parolees to assist them in completing their parole successfully, through special terms and conditions of release."

There are quite a number of questions this raises with me. Would you, for a start, confirm it is the case that a greater number of people are there with psychiatric or psychological problems?

Mrs Henriksen: You are quoting certain issues the board will try to address in the future?

Mr Frankford: Yes.

Mrs Henriksen: What was the question? I am sorry.

Mr Frankford: For a start, is it the case that a greater number of offenders are there with psychological or psychiatric problems?

Mrs Henriksen: I think what is being said here is that in regard to offenders appearing before the board for parole consideration, there has been an observation that there are increasing numbers of offenders appearing with psychological or behavioural disorders. That means to us that there is a change in the profile of the offenders appearing before the board.

Mr Frankford: Do you have any thoughts about why that is? Is it society that is changing, or is it because of psychiatric policies that there are people there who in other circumstances would be in psychiatric care rather than in penal institutions?

Mrs Henriksen: I am certainly not an expert in that field. If you are just seeking my opinion, not anything factual on the topic, it is probably the result of a large number of other factors taking place within our society. Perhaps closing some of the psychiatric institutions might be one factor. Stresses of living in today's society might be another. I do not know. There are any number of socio-economic factors that might result in this observation, but I am certainly no expert and do not know precisely what the cause or what the reason would be.

Mr Callahan: Lack of psychiatric facilities in our correctional systems might be one reason.

Mr Frankford: Whatever the causes are, if we accept that there are a greater number of people with what we will

call psychiatric problems, this would suggest to me that parole on condition of psychiatric treatment would be the approach that should be taken.

Mrs Henriksen: That may be one approach, but there are several. I do not want to speak for the ministry treatment programs but I do know there are some programs within the correctional facilities that address the concerns of disturbed and behaviourally disordered kinds of inmates who would be in the population. When these inmates appear before the board, we certainly address whatever treatment modalities they may have been going through while they were in the institution and certainly what they will be going to when they get out of the institution, what sort of counselling they might be availing themselves of or programs they might be going into. We will ask specific questions around that kind of behaviour at the hearing.

Mr Frankford: Yes, that is what I was going to say. It suggests to me that an applicant for parole might well help his case by bringing along a detailed treatment plan.

Mrs Henriksen: There will have to be. First of all, it has to be case-specific and based on the treatment plan or the release plan presented to the board. The determination to grant or deny or to approve parole will be made based on the nature of that specific case.

Mr Frankford: What access would the inmate have to his psychological or psychiatric reports and independent professional advice to formulate a treatment plan?

Mrs Henriksen: We are really far out of the mandate of the board, because that is right into the clear jurisdiction of the ministry. I do not have any detailed information about what is available, except to say in a very general way there are psychiatrists, psychologists and social workers within the institution and there are treatment programs across the province that address some of those issues.

Mr Frankford: I could ask more, but I will be brief. Do you feel something should be done to make available independent professional counsel, particularly medical and psychiatric, for inmates so that they can formulate some sort of treatment plan?

Mrs Henriksen: I think that in any great area where there could be improvement, yes, improvements can be made.

Mr Grandmaître: I know no agency, board or commission can be perfect. I was listening to your opening remarks and looking at my briefing notes. It looks like you have been a very successful agency, but at the same time there is a public criticism of parole boards, Ontario and the federal system. In the last two or three years we have read or heard that the parole boards are being more lenient. What are your comments on this type of remark or criticism, if I can call it a criticism? Do you think you are more lenient than in previous years?

1100

Mrs Henriksen: That is a very good question. Parole is much more difficult in many ways for inmates than is staying in the institution. On parole the inmate really forfeits his or her right to remission that was earned. Parole is sort of a tradeoff. For the opportunity to be in the community earned remission is lost. On parole all inmates

are classified as maximum security. Therefore, they are required to have the maximum of supervision by probation and parole officers.

I believe that means reporting to a probation and parole officer at least twice a month for at least the first three months on parole. On parole there is the requirement to report to the police. A parolee cannot leave his or her residence or place of employment without prior permission from the parole supervisor or associate with known criminals. He or she must keep the peace and be of good behaviour. In many ways there are burdens on inmates in the community when they are placed on parole. In addition, as someone mentioned earlier, the full length of the sentence is served.

The perception, however, I agree with you in many ways, is that it is the real easy thing because the person is out in the community, walking around, not being guarded within the walls of the institution. But as consumers we also pay a price to keep inmates in institutions. It is much more expensive; it is less expensive to be out on parole.

I am trying to make a case for parole because I believe it is, on the economic or the human side, much more beneficial to our society in the long run, and it is very difficult at times to dispel the perception that the board is too lenient and easy on the offenders. The board does not parole every inmate who appears before it. We parole about as many as we deny of those who apply for parole or those we have to see on parole.

In each case we have to stick to the legislated criteria and be very careful to ensure that we look at all the factors I mentioned earlier on our parole consideration form. I do not think we are too lenient because we do not parole every person who appears before us. When conditions of parole are violated we revoke or suspend and bring people back into prison.

Mr Callahan: And they lose their remission.

Mrs Henriksen: They lose their remission.

Mr Grandmaître: You spoke about the economic side of things. As you know, we are going through a very difficult recession and this government, and any other government, is talking about cutbacks. The recession is also often blamed for the increase in crime. How would a decrease in budget affect the Ontario Parole Board? I will give you an example. If you were to receive 2% in 1992-93, how would this affect your budget or your effectiveness? Would this mean a cutback on the number of hearings? How would you handle a cutback in your ministry?

Mrs Henriksen: We have plans to do that. We will be subject to cutbacks and we have various areas in which we will be applying our strategies for cutbacks. Mr Sandhu is going to speak to those.

Mr Sandhu: We have made tentative plans at this point. We are looking at reductions in our expenditures in the transportation-communications area and some supplies and equipment. In a more specific way, we are looking at using more full-time members to chair our hearings because every time we use a community part-time member it costs a little bit—

Mr Grandmaître: Did you say more full-time?

Mr Sandhu: More full-time members in chairing hearings. We are looking at efficient scheduling of cases and members. Sometimes we have to go out and not put in a full day, simply because there are some restrictions around parole eligibility dates, so we will be looking at ways in which we can reduce part-days or half-days. We will be looking at maximizing use and minimizing costs of case review meetings. Case review meetings are the meetings that are held to look at a parolee's request for changes in employment or conditions of parole, and these case review meetings are held in our regional offices. There too we are looking at ways in which we can do it more efficiently and, generally speaking, reduce regional board meetings.

We do need to have some board meetings. These are the meetings where we are able to discuss policy issues concerning operations. This is our main channel of communicating with our community part-time members, who are essentially people who come in to do the hearings and are not employees in the sense that they are not employed under the Public Service Act. So we will be looking at reducing, but not eliminating, by any means.

We have a program on public speaking where we try to educate the public in terms of the parole program, and we are looking at perhaps reducing that. We would not like to, but that is another area that might have to take some cuts.

These are just a few of the strategies we have looked at. These are not yet finalized, because we are waiting for allocations. Once we know what kind of constraints we are looking at, then we can decide on the specifics.

Mr Grandmaître: One last question: Will your reduction plan—let's call it your constraint plan—mean you will have to cut back on the number of hearings while the number of offenders is increasing?

Mrs Henriksen: No, sir. It does not mean that. You did ask the question whether we are looking to increase the complement of full-time members. That is not what that is intended to mean. What that is intended to mean is that, of the full-time members we currently have, some of the other things they do, which include a number of administrative functions, will have to be reduced so that we can use more full-time members' time to conduct hearings.

We have no choice but to conduct hearings for inmates who are serving between six months and two years less a day. They are automatically scheduled; we have to do those. If there are going to be any cutbacks, it would have to be in the area where the inmates would have to apply for parole. That is six months and under. But we do not foresee cutting back hearing the number of cases we currently hear.

Mr McLean: My first question is to Mr Sandhu. Did you get a directive from the ministry indicating a percentage cutback it is looking at in your budget?

Mr Sandhu: What we were asked to do some months ago was a possible cut up to, say, about 10% in the non-salary area, but there has been no finalization. We have looked at plans on how we would try to meet up to a 10% cut in our non-salary areas up to this point.

Mr McLean: Did that 10% figure come from the ministry?

Mr Sandhu: Yes.

Mr McLean: Preparing for a hearing: My question has to do with an inmate who is in a certain facility and has to be transferred to another one for the hearing. How many transfers take place in the course of a year that are not held within the facility the inmate is already in?

Mrs Henriksen: I would not have a clue, but we could try to find out.

Mr McLean: Who pays for the cost of the transfer of that inmate to go from the facility he is in to a larger institution for his hearing? Does Correctional Services pay for that? Who pays for just that?

Ms Blais: Are you specifically asking concerning a parole board hearing?

Mr McLean: Yes, to go to that hearing.

1110

Ms Blais: The ministry pays for it. They provide the transportation if the inmate has to be transported. It is usually from a smaller jail to a larger facility because we do not go into all the smaller jails.

Mr McLean: That was my question. How many would be transferred in a year from a small jail to a larger institution to hold the hearing?

Mrs Henriksen: We will undertake to find that out for you. We do not know, but we will try to find out.

Mr McLean: Okay. In the hearings you have, how many of the inmates would request a lawyer or somebody to support them? Most of them?

Mrs Henriksen: No. We did a survey across the province for the past year, and inmates who requested lawyers as assistants totalled 2% of hearings.

Mr McLean: Anybody who has six months or less has to have a third of his or her sentence served before he can apply for parole?

Mrs Henriksen: No, they can apply at any time, but they are eligible at one third. So they can apply from the first day they enter the institution.

Mr McLean: From the time they apply, how long is the normal average before the hearing is held?

Mrs Henriksen: It normally takes three weeks for us to get the documentation, so we would try to set the hearing close to the parole eligibility date or before it.

Mr McLean: In your summary of reports with regard to the victims, you indicate that they are notified, if they wish, about parole taking place. Is that not a normal case? I guess it is not, but what would be your answer to a request for a victim to be notified when that inmate was paroled?

Mrs Henriksen: We would say sure. In fact, we have a policy which clearly states what we will tell them if they want to know, what specific kinds of information we will give to them if they request it.

Mr McLean: But not all the victims know when this parole hearing is going to be held. They have not got a clue. In that instance, nobody would be notified unless, after the inmate was incarcerated, they requested from you to be notified when his parole hearing was coming up.

Mrs Henriksen: That is right. I see the problem you are alluding to, but it would require a tremendous amount

of resources to notify every victim of every parole hearing conducted within the board. We conduct 7,000 to 10,000 cases per year.

The Chair: Could I ask a supplementary, Mr McLean? In respect to saying that victims have an opportunity, are they, during the court process or at some point, through the crown or through your agency, made aware of that opportunity?

Mr Jackson: As a matter of policy.

Mr Sandhu: Yes.

Mr Jackson: Are you sure?

Mr Sandhu: Our policy pamphlet has been placed in courts. With the victim coordinators that the Ministry of the Attorney General has in most courts now, we are gradually getting out the word. You make a good point. This is something that has also come to our attention, that perhaps it is not well known. But this is only about a year and a half old for us, and it is getting out. In most courts there are pamphlets we have placed. In fact, we are looking to publish and print a few thousand more copies at this stage. We have also informed police forces or sent copies to them so they can let the victims know.

Mr McLean: I would like to know if you are working on this, because if you have an offender with a second offence, should it not then be mandatory that the victim know? This guy has already committed an offence once and has been out, and now he is back in again, having committed another offence. Does the victim not have a right—I feel he does—to know the offender is being paroled before his two years or whatever? If he has had the second offence, even, are you not considering starting to let the victim know? The concern I have is that he will get out, the victim does not know about it, and he will victimize the same person again.

Mrs Henriksen: This is very topical subject, victims and victimization. I would really love to strive for the ideal world where every victim is notified every time an offender is released, whether it is a first offender or a second or a third or a repeat offender. I feel we are moving in the right direction. We may not be moving fast enough for everyone, but I think we are moving in the right direction.

There are other players in this game. There is the court system; there is the police. I know there are victim programs that are run out of the Attorney General's office. In fact there is a victims' unit, I think, in the Attorney General's office, and a victim impact statement coordinator or something like that. People are trying to address the problem, which is, as you pointed out, a quite serious one, but at the moment, we started this policy about a year and a half ago and we had no choice at that point but to respond to requests, rather than to have taken on the responsibility of notifying every single victim, knowing full well we will not be able to do it.

Mr McLean: Yes, but my previous question was, would it not be right to start—it would not be feasible to do all of those less than six months, because that is a very large number, is it not, of your parolees?

Mrs Henriksen: Yes.

Mr McLean: But perhaps you could start in the area of from six months to two years. It is a suggestion.

Mr Jackson: Or by crime: sexual assault with a weapon.

Ms Blais: One of the things you should be aware of is that the board is not always aware or informed of who the victims are. We do not have that information. We advise the victims we do have information about quite routinely, but the source of that information must come from another part of the criminal justice system. It must filter down. It has to start with the police, with the crown, with the courts and then eventually through us for those people we do see. The whole process of making that information system work must be a combined effort, and we cannot implement that on our own.

Mr McLean: But when you sit down to listen at that hearing, the facts and circumstances of the crime, criminal record and previous lifestyle are all of that individual, but there is no individual known in the facts and circumstances of the crime?

Ms Blais: Often, no.

Mr McLean: Okay. The parole officer is responsible to make sure he fulfils the commitment as laid out by the parole board.

Mrs Henriksen: The conditions of parole, yes.

Mr McLean: Right, and it is up to him to see they are fulfilled to the period that is laid out on the order from the parole board.

Mrs Henriksen: Yes, the parole supervisor is responsible for supervision of the inmate.

Mr McLean: What numbers do you have of failures to fulfil parole? What percentage of your—

Mrs Henriksen: In a very consistent way over the past maybe five to eight years, the success rate is between 82% and 85%. Parole failures, as you would call it, are roughly 15%, and about 13% of those are failure to abide by the parole conditions, what we call technical violations. The other 2% would be for further charges.

Mr McLean: My final question is, do you feel a bill of victims' rights would be an appropriate step in the right direction to make people aware?

Mrs Henriksen: What a question. You are seeking my opinion?

Mr McLean: Yes. Do you feel it would be to an advantage to the whole system to have a bill laid out where victims' rights would be taken into consideration when you are dealing with the very issues you are talking about?

1120

Mr Callahan: Mr Chair, I think that is an unfair question to the chair of the parole board.

The Chair: The chair is quite capable of responding or not responding in any situation like this. That is her decision.

Mr McLean: I think it is a fair question.

Mrs Henriksen: It is so easy to say yes without thinking of all the ramifications, including, right off the top of

my head, cost, and all the other implications that would go with a yes response. It is mind-boggling.

Mr Wiseman: I have a number of areas I would like to pursue with you, and please forgive me if I am going down a road, because I was a little late and I had to go to another committee.

One of the areas of great concern to me is the native justice system and how that is affected. We have information here that says "11% of the population of federal institutions and 15% of the provincial prison population" is of the native community. It also says: "Aboriginal offenders are also less likely to be paroled early in their sentences." Incarceration rates are even higher for aboriginal women. Can you shed some light on why it is that aboriginal offenders would be less likely to receive parole?

Mrs Henriksen: I can only talk for the provincial system, and even within our system I really wish I had more statistics to shed some light on that topic for myself.

I do not know if, within the provincial system, aboriginal inmates are paroled less frequently than non-aboriginal inmates. From that premise, it is really difficult to approach your question in a very direct manner.

I know aboriginals are over-represented in the offender population. About four years ago a study was done at the national level on aboriginals within the criminal justice system. In that study there was reference to the paroling rate for federal offenders. It is along the lines of what you have just mentioned. If that is true for provincial offenders, that is the only way I can project what is happening within the provincial board itself.

Most of our aboriginal inmates are in the northern part of the province. That is also where we try to concentrate aboriginal members, whether they are full or part time, to conduct the hearings. We really do not have any statistics that would tell us unequivocally what our paroling rate is for aboriginals or non-aboriginals.

Mr Wiseman: If you do not have those statistics, do you have any indication whether or not the movement towards allowing native people to administer their own justice systems and their own healing process is having an effect?

Mrs Henriksen: I imagine that is a process that is going to evolve over the next few years, certainly to my mind, a sort of self-justice native system. Again, I am not really familiar with all the programs there are within the ministry that would address the needs of native offenders. The whole question of parole and aboriginals really has to be founded on the stats and we just do not have them. For anything outside of that, I am just guessing.

Mr Wiseman: The reason I am pursuing this line of questioning is that under the criteria in the act it says that "the inmate has derived the maximum benefit from imprisonment." How is that determined? If all the programs in the correctional facility are optional and the inmate does not take advantage of them, how do you make that determination?

Mrs Henriksen: Do you want to take a crack at it?

Mr Sandhu: I think you have answered the question in a way. There are options. What we as a board like to

look at is, has the inmate made use of those programs? In some cases, as you know, the inmates feel they do not have a problem. If we have a long record before us where we see the person has been involved in drug abuse or alcohol abuse and yet he sits there and says he does not have a problem and has not made use of those programs, in that instance naturally our assessment of that particular candidate is not going to be very positive. That is how we assess the "maximum benefit" aspect of our criteria.

Ms Blais: There are other aspects as well. Often, getting a person off the street serves as a time to have him consolidate some of his resources, some of his own personal directions. Programs do help, but confinement, an opportunity to be away from some of the difficulties they are facing, also helps. There is also the old suggestion that a short shock in terms of incarceration, which judges often use, impacts on some offenders. Maximum benefit derived from a period of incarceration is something that has a lot broader perspective to it than just simply programs.

Mr Wiseman: The other question I would like to ask is about the Lieutenant Governor's warrants and the fact that they are going to be phased out, if I understand correctly, and are not going to be open-ended; there is going to be a set amount of time. If I remember correctly, the amount of time a person received from the judicial system would be the time he had to serve. Are these people now going to be coming before you as parole officers and are you going to have to make decisions about whether they should be getting out? Is that something your board will have to take over?

Ms Bellamy: People who have a Lieutenant Governor's warrant against them have been found unfit to stand trial or have been found not guilty by reason of insanity. By definition, both those groups are people who do not come within the jurisdiction of the Ministry of Correctional Services and would then have to go to some form of psychiatric institution under the Ministry of Health. The Ontario Board of Parole would have nothing to do with those groups. They are not guilty or they are unfit at this point even to advise counsel whether they want to plead guilty or not.

The Chair: The change apparently, as I understand it, is that they are going to be guilty but not responsible, or something along those lines. There would be a change in the wording.

Ms Bellamy: I think the most significant change would be that rather than get sent to an institution at the pleasure of the Lieutenant Governor, there would be a fixed period of time. There is some concern among people who have looked at this statute, federal legislation in particular, that because those people might get out earlier than they otherwise would have if they were at the pleasure of the Lieutenant Governor, possibly they would commit other offences, at which point they would then be back into the system and one would again have to determine whether the persons were unfit to advise counsel or were not guilty by reason of insanity.

1130

Mr Wiseman: I have one last area I would like to pursue and that is on victims' rights. It seems to me that in our computer age, with the size of a computer facility, all the important data about the victim and the person who did the crime could be put in the computer at the same time. It could all be held in a file that would be readily accessible. I guess the question here is whether you can do that, whether you could put all that information in one place like that, given the rights of the victim, the rights of the accused and the convicted in the Charter of Rights and Freedoms.

Is this part of what may be the problem in terms of the accused needing access to the address, the information? If a convicted felon was planning to do something with response to the victim and the witness and so on, would that be a problem under freedom of information, that they would be able to get this information and then plan something if it was all in one location, or is there some kind of safety net built in here?

Mrs Henriksen: That is some sort of a megatechnological data retrieval information project that you might be referring to, where all information on the victim is in one bank.

Mr Jackson: On a crime, including the victim.

Mrs Henriksen: On a crime itself and anything that is associated with that crime.

Ms Bellamy: The Ministry of the Attorney General not too long ago set up a new system called ICON. I cannot remember exactly what it stands for; inter-core offender network or something like that. They are trying to collect information that would allow even trial dates to be set more effectively. Even with that, they have not been able to get a system that would allow both the defence counsel's and the crown's available dates to be on there. It only allows for two police officers, when in fact in many cases that we are talking about here, there would be a lot more police officers.

The system you are talking about would really need to be one whereby the police input that data, and that data cannot be changed by the court or the crown attorney's office. Then the crown attorney's office would also begin to input data. I know they have a system in Vancouver for setting trial dates where they have some information, but even they do not have the information on the victims, as far as I am aware.

I think we also need not to lose sight of the fact that the provincial system is more likely to get what are referred to as "victimless"—although there is no real victimless crime—than the federal system. A lot of the people in custody are there for impaired driving offences where there may not have been a specific accident victim. He may have been just picked up on the Reduce impaired driving everywhere program, various things like that. We would not have any of that kind of data. It is a big project, though, that you are talking about if you were to get victims and accused and keep it updated so that whenever a victim moved, that information would be in the computer.

As well, there are some victims who do not want anything more to do with the case once it is over and would prefer not to be called.

Mr Callahan: Could I have a supplementary?

The Chair: No, we have two requests and I am going to decline both of them, actually, because we are going to have an opportunity here, I think. Mr Wiseman, you have gone over the 12-minute guideline, so you will have another chance when we come around. Mr Phillips.

Mr Phillips: Thank you. You mentioned the justice review project. Is your group participating in that? What is that justice review project?

Mrs Henriksen: The justice review project is actually being coordinated by the Ministry of Correctional Services. However, the board will be participating in it. Essentially, it is a group of people within the criminal justice system who will be holding a large number of seminars—they have already started earlier this month—who really try to focus on the total criminal justice system in the province. It is almost like looking at Ontario justice in the future, what changes might be possible, what might not be possible, to make the whole system much more efficient, much more client- and service-oriented and that sort of thing. It is very broad and very general.

Perhaps one of the things that might be looked at in terms of corrections and the parole board will be, in what ways can these two arms of the criminal justice system work together in a much more efficient way so that there is faster—certainly, within all the terms of justice, “turnover” sounds like a product—movement of inmates in and out of the correctional system.

Mr Phillips: Is this initiated by treasury board? Is this the treasury board review?

Ms Bellamy: Let me elaborate on this a little bit. It came about after the infamous Askov decision. At that time there was a decision of Management Board of Cabinet that the affected ministries should get together, so there is a justice review project headed by George Thomson, the Deputy Minister of Labour. It has a steering committee of deputy ministers from the various interested ministries and then a whole bunch of others who work underneath that, with a lot of different projects essentially looking at the delivery of criminal justice service.

Mr Phillips: The reason I asked is that the government will not tell us what reviews are going on from treasury board, so I am just curious if this is one of them. I have asked formally for what reviews treasury board has under way. This may be one of the ones that is going on, and at least I now know perhaps one of them.

One of your messages today is on the various systems that are in place. There is the federal system, there is your system, and then the temporary absence system. Is there any opportunity for us to coordinate those three in a better way? It is one taxpayer paying for it.

Mrs Henriksen: I think that touches on the whole question of split jurisdiction. The way it is now, the jurisdiction is split between federal and provincial. There are temporary absence programs at the federal level as well as

at the provincial level, and parole programs at the federal as well as at the provincial. Once we have that dividing line of two years less a day and two years plus—in parole, for example, there is a lot of room for coordinating. For example, the provincial legislation is guided in very many ways by the federal Parole Act. The criteria for parole are contained in the federal Parole Act, and the criteria for parole right across the country are the same. So we have unanimity and integration with respect to criteria. Every inmate, federal or provincial, gets out or not, based on the same criteria.

Perhaps what might be different is the programs that are developed and geared for the different kinds of inmates. The programs for the provincial inmates are geared for short sentences, whereas for the federal inmates it would be sentences of a much longer term, either in the institution or outside the institution. Then there is sharing of services—that does happen—federal and provincial. There are all kinds of interprovincial agreements and federal-provincial agreements that would address transfers and parole interchange and all that sort of stuff.

To have one level of justice is a political issue, obviously. It does touch on the division of powers and the sharing of powers, those sorts of things, over which I would have very little control.

1140

Mr Phillips: I gather from your notes that seven of the provinces do that and three operate the way we do.

Mrs Henriksen: That is right.

Mr Phillips: Can I ask one last small question? I seem to recall that at one stage there was a plan on electronic monitoring of people who were on parole, a test program you may or may not be familiar with. I am just curious whether you are familiar with it, whether you have been involved in it and whether it is working.

Mrs Henriksen: We have not been involved with it, but we do know there was a test done in British Columbia some time ago. I really do not know what the results of that were, but as a board we do not have any parolees who are on the electronic monitoring system and we do not have any plans in the near future.

Mr Phillips: Really? I thought I had read about a test program here in Ontario.

Mrs Henriksen: Ontario did something as well too.

Ms Bellamy: I think there was one in Ontario about two years ago for intermittent sentences, people who were serving sentences on weekends. It was being run out of the Mimico Correctional Centre, which is the one that has most of the intermittent sentences in the greater Toronto area.

British Columbia tends to use it a lot more—well, a lot more than Ontario, because we do not use it at all. The British Columbia Board of Parole is just now starting to look at using electronic monitoring. Saskatchewan also uses it, but in a completely different way from British Columbia. In British Columbia it is done at the institutional stage. In Saskatchewan the judge can make that part of his or her sentence.

Mr Phillips: So you think there was a test in Mimico but it was used for someone who had to be in his or her home for the weekend. Is that right?

Ms Bellamy: I think it was weekends, yes.

Mrs Henriksen: Intermittent sentences. Not especially weekends, but intermittent.

Interjection: Ninety days or less.

Mr Jackson: If I could go back to what I think was Mr Grandmaître's question, could you give us a clearer sense of your statistical base? We have looked at some statistics which enlighten us about your activities in 1989-90. What I am trying to do is to get a sense of whether you are dealing with an increased number of parolees and if they are, on average or by reported crime, getting earlier parole. Can I get a clear answer if you have a statistical handle on that? Do you understand the nature of my question?

Mr Sandhu: I am afraid not.

Mr Jackson: All right. We do not have statistics that are year over year. We do not have them in front of us. So in a three-year period have we seen an increased number of people being incarcerated and therefore eligible for parole and therefore applying for parole? I do not know if the gross numbers are going up or down.

Second, we have statistics from our researcher which show us the types of offences. Can you compare the types of offences and the average granting of parole year over year, so that I can get a sense of whether with the crime of sexual assault we are—forgive me for saying this—toughening parole or parole is accessed easier? I know there are trends by crime and parole and those are observable in other jurisdictions. I just wondered if you keep the statistics or can share those statistics with us and make it clearer in our minds as legislators what direction we are going in.

Mr Sandhu: The best I can answer is that in the provincial system, admissions have generally speaking remained somewhat static, with the difference that in the metropolitan areas, the larger city areas, the admission rates have gone up considerably, thereby causing this over-capacity problem and severe problems in terms of housing and what have you.

The impact on the board has been one of very little change in that up until now the Askov impact has not been felt. It is only now in this fiscal year that we are starting to see increases in numbers for the board.

Mr Jackson: Increases in numbers of applications for parole?

Mr Sandhu: Yes, and we are only starting to see it in this fiscal year, for which you, in fact, have not got any information because we are still in the middle of the fiscal year. All information given to you up to this point has been up to the end of last fiscal year, which ended in March 1991.

What is happening is, as far as we can see, that there has been somewhat of a static population up to this point in our provincial institutions. We cannot give you any information pertaining to the specific criminal offence type and parole because we do not keep it. What we can tell you is that our numbers have remained static in that we are

paroling between 50% and 55% of the people who come before us. Other than that, I think I have answered the question you asked.

We cannot relate it to the specific offence type. In the chart I think you have been provided with on types of offences, certainly there has been an increase in drug-related offences and what have you. That particular chart captures all admissions to provincial institutions. What it does not tell us is how many of those drew only provincial sentence, although there is a number at the bottom that says federal ones.

That is the best I can answer. I am not sure I have covered all the areas you asked.

Mr Jackson: Mr Chairman, I know time is at a premium but I have a very, very brief question on the victims' bill of rights if I could get that in.

I accept that there are some difficulties, that a proper victims' rights environment, as some provinces have, takes its lead from the Attorney General and from the court system, where the base communication has to occur and the retention of records. I understand that. However, in your discussions about victims' services, are you not at least able to prioritize? Has it not been suggested to you by the Attorney General's office that you prioritize types of crimes? Because the victim in an auto accident or a private property matter may not require that, whereas a woman who was threatened with a weapon, was sexually assaulted—parolees in these cases are coming before you. I have had some celebrated cases in my riding. Within hours of being released, a parolee has a gun, is on the doorstep of the lady's employment and has made good on his threat. I have a case of that in my riding in the last two years.

My point is that could we not, instead of dealing with it globally, at least say here are specific cases where women are living in absolute terror in their community, where their victim impact statement would be germane to the case and their safety would be an ultimate outcome, or their ability to prepare themselves for the early release of an offender?

Is it anywhere being suggested that you look at specific crimes in terms of improving victims' services? I am not getting any clear direction from anybody that we are at least looking at those kinds of personal assault injury, sexual assault type crimes, which are quite different from personal property crimes. Can I get a quick response to that? That is an area of concern I have.

Mrs Henriksen: I think your point is well taken and we will make sure that in the review we are undertaking we take a look at that particular issue. Also, we know that in order to do that we have to consult with the other elements of the justice system. We know that in order to do that we have to consult with the police, and particularly with the courts.

Mr Jackson: The crown attorneys?

Mrs Henriksen: And the crowns. As I said, your point is well taken.

Mr Wiseman: I would like to ask a few more questions about how the decision to release somebody on

parole is actually made. Is it necessary, for example, for a person who is coming up for parole to admit that he actually did the crime?

1150

Mrs Henriksen: No. We are not a court of law, we are not trying to determine innocence or guilt.

Mr Wiseman: Under the criterion "the inmate has derived maximum benefit from the imprisonment," it would seem to me that if he did the crime and he has been convicted of it, if he is not prepared to admit that he did it to the parole board, then how does he derive maximum benefit from the system if denial is still part of his attitude?

Mrs Henriksen: The board really cannot determine in the sense of guilt; that is clear. However, if an inmate is denying an offence, and this often happens with sexual offenders, then the board will take all of that into consideration. If that inmate is in fact denying, we have victims' statements to the contrary, we have a police report to the contrary, we have maybe a report from a clinician or some other professional to the contrary. Obviously we will have to know where to balance, where to weigh that information, but it is not to determine guilt or innocence. It is to determine readiness to go back out into the community.

Mr Wiseman: I asked that in the context of whether or not the person would be ready to go back out if denial was still part of his attitude.

Mrs Henriksen: Yes, that is right.

Mr Wiseman: This comes to the next question about how the decision is made. You have a three-panel hearing board.

Mrs Henriksen: Three persons on a panel.

Mr Wiseman: Yes, three-person hearing board. One full-time?

Mrs Henriksen: One full-time.

Mr Wiseman: And two from the community.

Mrs Henriksen: Yes.

Mr Wiseman: What happens if there is a real difference of agreement between the full-time and the part-time? For example, let's say the full-time person, in his experience across the province in the years that he has done it, really has a strong apprehension about releasing somebody into the community, but the community people who have been appointed do not share that. What is the mechanism? Is there an overriding or does the majority rule?

Mrs Henriksen: The majority carries.

Mr Hayes: Or the other way around.

Mr Wiseman: Yes, or the other way around; it can be either way. So the majority rules.

Have there been any changes at the federal level in the Parole Act that have impacted recently on the way the provincial parole boards do their job?

Mrs Henriksen: No, there have not. There may be, but there have not been, because Bill C-36, I think it is, the new federal bill that deals with corrections, parole and the correctional investigator, is somewhere at the reading stage. I do not know what stage it is at as yet. If that does pass, then there might be some impact on the provincial

parole boards, yes, but so far there has been no impact on any of the legislative changes that took place federally.

Mr Wiseman: Thank you.

The Chair: Mr Callahan, I am sure you would not object if the Chair asked a few questions before it went on to you.

Mr Callahan: No, not at all. Go ahead.

The Chair: I guess I am going to direct this to Ms Blais. There has been the suggestion, in some parts of eastern Ontario anyway, that because of overcrowding in provincial jails there is pressure on the board to move people out rather quickly, if you will. I guess this ties in with something Mr Grandmaitre was asking as well. Have you experienced that kind of pressure from the Ministry of Correctional Services?

Ms Blais: No, we have not. There certainly is a consistent flow of inmates from the Metro region to the eastern region in terms of using the accommodation available. The latest statistics indicate that only 87% capacity is utilized in the eastern region, so I personally have not felt any pressure whatsoever.

The Chair: With respect to an issue in my own riding, which you are probably familiar with, I think about a year ago an individual was found guilty of a sexual assault on a 14-year-old girl. I think he was sentenced to two years less a day but he was out in something like 90 days in a halfway house. The victim and mother were not informed. It caused quite an uproar. I raised it in the House, as you may recall. I think the minister of the day pulled the man back in for an assessment. He had not gone through anything, apparently, any psychiatric assessment.

It certainly raises concerns in my mind as to what kind of operation you are running when a guy like that is out on the street in a small community without the victim, the mother or the family being aware of it. I guess it ties in with what you are hearing across this room, when you are dealing with sexual assaults, especially when we are talking about children being the victims, that there is not an apparent concern when those kinds of releases occur.

Ms Blais: The release of that inmate to a halfway house remained the responsibility of the Ministry of Correctional Services and not the board. I believe he was released through the temporary absence program. Therefore, any mechanism to fulfil and meet the criteria of the temporary absence program remained with the ministry and the superintendent of that responsible institution.

The Chair: The board had no role to play in that at all.

Ms Blais: We had nothing to do with that case at all.

The Chair: I saw a case in the Toronto papers recently where a chap had been found guilty of incest with a variety of stepchildren and one of his own children as well. The crown had asked for a 10-year sentence and the judge in the case gave a sentence of two years less a day. The crown may appeal this but the justification was that there would be easier access to psychiatric and psychological assistance and assessments within the provincial facility versus a federal institution. Is that an accurate assessment?

Ms Blais: Provincially, we have a number of treatment units that provide programs associated with various kinds of offenders. In the eastern region Millbrook Correctional Centre, which is a maximum facility, offers a treatment unit.

The Chair: Yes or no, would you agree with the judge's decision?

Ms Blais: I cannot comment on that because I am not familiar with the federal treatment programs versus—

The Chair: I am sorry if I am directing that to you. Perhaps the chair should answer.

Mrs Henriksen: Denise was just mentioning an article in the Toronto Star on the particular case, but I have not read it. I do know that that person is in the provincial system at the moment.

Ms Bellamy: Here I am quoting the Toronto Star, but in the Toronto Star today there is another case actually from the same court in Scarborough where a Judge Bovard sentenced a sexual offender to two years less a day and a maximum three-year probationary term partially because he felt that there were more facilities available in the provincial system and that he could put the person on probation for three years which he could not do if the person had got more than a two-year system at the federal level. The federal person quoted in the Toronto Star said there were in fact programs available for sexual offenders in the federal environment.

The Chair: I guess all I was looking for was an opinion from you on whether you agreed with the assessment that it is a better judgement to put them in the provincial side of things because of the services available for these kinds of individuals, whether that is an accurate statement or whether the judge is misinformed.

Ms Bellamy: I was listening last night to As It Happens and Tony Doob from the criminology department of the University of Toronto was on and was talking about the case you are referring to. One of the things he said that I certainly agree with is that when the judge is sentencing a person the judge might consider a whole rash of things only one of which is the rehabilitation of that offender. There may be also the need to deter other people, in which case they might not care what happens to that particular offender as long as other people are deterred from the crime.

The Chair: I guess I am not going to get an answer to that question. I will move on. The chair mentioned that if you are in a provincial institution for one day you can apply for parole. I think you said that, did you not, if you are in there one day or two days.

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Mrs Henriksen: I may not have said that, but by law that would be applicable, yes.

The Chair: Do you have this sort of thing occurring frequently, where someone is sentenced to two years less a day and after a week or two weeks he is applying for parole? Does that occur on a fairly regular basis?

Mrs Henriksen: For two years less a day they do not have to apply, we will automatically schedule them.

The Chair: That is not what I asked you. My concern is that you suggested that someone on the first day of incarceration can make an application. Do you have a lot of those early applications, if you will, early in the sentencing period?

Mrs Henriksen: Let me say that we get them in usually well before the parole eligibility date. That is the cutoff date for us. We do get them.

The Chair: Are you required to automatically review these when you get that sort of application, before the date?

Ms Blais: Perhaps I might add that we do get letters from inmates serving two years less a day who wish to be considered earlier than the one-third time. Perhaps that is what you are driving at. Those are cases that we consider by way of a case review meeting. We must assess their request for an earlier hearing for perhaps parole by exception. That is the process in which they would be granted parole earlier than their one third. We look at various factors, including humanitarian ones and compassionate ones as well as possibly beds being available in a treatment centre or specific needs to that individual, in looking at whether or not we see them at an earlier date. If we do choose to do that, they would then go to a full hearing, and then the issue of parole by exception would be again assessed as to the merits. We do not grant very many parole-by-exception cases.

Mr Callahan: Mr Wiseman asked about whether your board requires an admission of the offence before parole can be granted. Certainly the federal board does. We have heard of the celebrated BC case where the guy served 11 years, I guess. The only reason he did not get parole was that he refused to admit he committed the crime, and as it turns out, he may very well not have committed the crime. I gather that is not the case in the provincial approach, that they have to make an admission they committed the crime. A finding has been made by the judge that they are guilty, and that should be the end of it.

Mrs Henriksen: The finding is made and we deliberate on the suitability to release or not release.

Mr Callahan: The other thing is the question of victim impact statements. They are now being used much more frequently in the courts, where there is the adversarial system, and you get an opportunity to examine that statement under oath. Would you agree with me that if victim impact statements became more apparent in the parole system, it would cease to be non-adversarial?

Mrs Henriksen: Provided the victim is not in the hearing room when the statements are being made.

Mr Callahan: Yes, but if the victim gave a statement and that statement was provided as part of the material for release or non-release, would you not agree with me that the system would become very much more adversarial, particularly when you are getting the legal profession in there? I think they would want to have an opportunity and they probably should have the right to question the statement in the impact study.

Mrs Henriksen: It could be. That possibly could be one option, but I do not think it would be automatic.

Mr Callahan: No, but I think I am answering my own question that if you are going to look at a statement from a

victim, which a judge has probably already looked at—hopefully he or she has—in arriving at the sentence, you are obviously going to have a lawyer saying, “I want to have the rights of cross-examination of that victim impact statement,” so you are going to get more adversarial. I think I have answered my own question.

Finally, I have very serious concerns about this problem of intermittent and temporary absence passes. I hope the parole board would look at that fact, namely, that if a judge orders a TAP and the person is approved for the TAP but the person does not get out because there are not adequate facilities at Mimico to have him go on a TAP, that would be considered as a feature of either early parole or some other method of ensuring that the justice system’s integrity is upheld. If the judge said, “You’re going to get out,” and the correctional authorities interview the person and say, “Yes, you should be out,” and then the correctional authorities who are responsible for the services say, “Sorry, you can’t get out because we don’t have the facilities,” I think that really has an impact on the integrity of the system, it has an impact on those innocent people, the family, who are going to go on welfare dole because the offender does not get out. I think it has a very serious impact on a first offender, too, that he has been told by a judge he will be out and then he or she sits there and does his time.

Mrs Henriksen: Often that does happen. Judges who may not be fully cognizant of what services are available will say something in court, and at times, as you are describing, it just cannot be done.

Mr Callahan: Some of these judges have been advised by making a telephone call to the TAP authorities, “Oh, yeah, no problem,” and instead of sentencing the person to an intermittent sentence where they would get out immediately, they put them through the TAP process and then find out later on, “Surprise, you don’t get out,” and the job is poof, gone. I do not think in the economy today that it is fair, certainly to the family of the accused and perhaps not even to the accused.

The Chair: One final quick question for Mr McLean.

Mr McLean: It is really a clarification, probably for legal counsel. The question Mr Runciman asked with regard to the individual who got out in 90 days, how did that happen?

Ms Bellamy: I do not know. I know it is not an issue for the board of parole. I would expect that a superintendent made a decision on the basis of a request for a temporary absence.

Mr McLean: A superintendent of the facility could do that?

Ms Bellamy: Oh, yes. According to the statute, the Ministry of Correctional Services Act, that is the person in fact who does make the decision as to whether a person gets out on temporary absence.

With respect to Mr Callahan’s comments—I do not want to keep the rest of you—

The Chair: Very briefly.

Ms Bellamy: If you wish, I could speak to Mr Callahan afterwards because some of the comments he has made are actually somewhat incorrect. I could direct it with him, if you like.

The Chair: We would prefer that you do that off the record.

Ms Bellamy: You want the incorrect stuff to stay on the record.

Mr McLean: I would like to hear it if it is short.

The Chair: Can you do it briefly?

Ms Bellamy: I can do it briefly. There is a difference between a judge recommending temporary absence and recommending immediate temporary absence. The immediate temporary absence is to be for offenders who are sentenced to a period of less than 90 days only, and where they have either a job or a school they can go to. The arrangement the ministry makes is that they will be released within 24 hours if it is less than a 90-day sentence.

As I understand it, over half of those people who receive a recommendation for immediate temporary absence in fact get a sentence of over 90 days, and therefore the ministry policy does not apply. As well, some of them who say they have a job at the sentencing in fact do not. When the classification officer telephones to find out about the job, they discover they do not in fact necessarily have the job. So there are a number of complicating factors. But I have asked, in my capacity as legal director, the appropriate people to look into this because I am aware that there does appear to be a problem in certain areas, and they are looking at that now.

Mr Callahan: Thank you.

The Chair: We thank you all for your attendance this morning and the testimony. It is very much appreciated.

Mrs Henriksen: Thank you very much.

The Chair: We will break for lunch. Back at 2 o’clock.

The committee adjourned at 1208.

CONTENTS

Tuesday 14 January 1992

| | |
|---|--------|
| Agency review | .A-751 |
| Ontario Board of Parole, eastern region | .A-751 |
| Sheila Henriksen, chair | |
| Ken Sandhu, executive vice-chair | |
| Jenny Blais, vice-chair, eastern region | |
| Denise Bellamy, director, legal services, Ministry of Correctional Services | |

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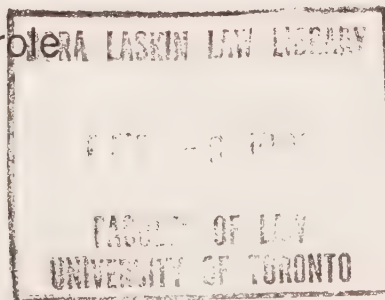
Official Report of Debates (Hansard)

Wednesday 15 January 1992

Standing committee on government agencies

Appointments review

Agency review:
Ontario Board of Parole



Chair: Robert W. Runciman
Clerk: Douglas Arnott

Assemblée législative de l'Ontario

Première intersession, 35^e législature

Journal des débats (Hansard)

Le mercredi 15 janvier 1992

Comité permanent des organismes gouvernementaux

Révision des nominations

Examen des organismes
gouvernementaux :
Commission ontarienne des
libertés conditionnelles

Président : Robert W. Runciman
Greffier : Douglas Arnott

Published by the Legislative Assembly of Ontario
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Table of Contents

Table of Contents for proceedings reported in this issue appears at the back, together with a list of committee members and other members taking part.

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La table des matières des séances rapportées dans ce numéro se trouve à l'arrière de ce fascicule, ainsi qu'une liste des membres du comité et des autres députés ayant participé.

Il existe un index cumulatif des numéros précédents. Les renseignements qu'il contient sont à votre disposition par téléphone auprès des employés de l'index du Journal des débats au (416) 325-7400.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 15 January 1992

The committee met at 1003 in committee room 2.

APPOINTMENTS REVIEW

Resuming consideration of intended appointments.

DONALD MacDonald

The Chair: Come to order, please. As the agenda indicates, the morning is devoted to review of intended appointees. The first intended appointee to appear before us is selected for review by the official opposition. Mr Donald MacDonald, who is an intended appointee, is a member of the Ottawa Congress Centre. Mr MacDonald, would you like to come forward? Welcome to the committee. We have limited time to discuss matters with you, but if you wish to have a minute or two to make some opening comments, I will give you that opportunity.

Mr MacDonald: Thank you anyway, but I am prepared to—

The Chair: Fine. We will lead off the questioning with the official opposition.

Mr Grandmaitre: Mr MacDonald, tell us what you know about the Ottawa Congress Centre.

Mr MacDonald: I understand it is a facility that was originated by the regional government, and some years ago the province took it over. The main goal of the congress centre was to provide a facility for conferences, conventions and trade shows in the Ottawa-Carleton area. I guess it is a revenue generator and a job creator.

Mr Grandmaitre: I was a member of the construction committee back in 1982 and we thought this was God's creation, that it would be the answer to tourism in the Ottawa-Carleton area. But now people are having second thoughts about the Ottawa Congress Centre. Even the new mayor, Jackie Holzman, is now saying we should have a bigger building built on another site, maybe the LeBreton Flats, and forget about the Ottawa Congress Centre. Maybe we should sell it for a revenue generator of \$40 million and invest this \$40 million in a new building, a trade show building. What are your thoughts? Do you think people in Ottawa-Carleton would like to forget about the Ottawa Congress Centre?

Mr MacDonald: No, that is not my feeling at this time. As far as a new potential facility is concerned, I am not really sure because I am just getting involved in this. I am not really sure what the market would bear. I understand a feasibility study is being conducted right now and if that turns out to be a good idea I guess the other levels of government will have to get involved if there is an agreement. In any event, I anticipate that is several years down the road. In the meantime I think the Ottawa Congress Centre has to be supported and encouraged in its present facility in its present operations.

Mr Grandmaitre: I agree with you that if anything new has to be done in Ottawa-Carleton as far as a trade show building is concerned the federal, provincial and regional governments have to get involved. But only two years ago, if I can go back to the study you pointed out, the Ottawa congress council, if you want to call them that, or the administrators of the congress centre, produced a very elaborate plan suggesting we should triple the size of the congress centre. Are you aware of that plan?

Mr MacDonald: No, sir, I am not. I know the city of Ottawa was looking at establishing a trade show centre at Lansdowne Park, and I understand that this most recent proposal anticipates the city of Ottawa would only contribute approximately half the dollar amount it was talking about in the original proposal. Other than that I am not privy to any details.

Mr Grandmaitre: Two years ago the people responsible for the Ottawa Congress Centre introduced what I thought was a very thoughtful plan. They would extend the building right up to the former Charles Ogilvy Building. That is quite a piece away. They would triple the size of the Ottawa Congress Centre. When I read in the newspapers—and I do not believe all the newspaper editorials—that we should be looking at a trade show building apart from the congress centre, I am wondering if this is viable, because we have a terrible time competing right now with small or larger congress centres.

1010

Mr MacDonald: I will just give you my gut reaction without having access to the feasibility study. From what I have seen in the papers, of course, the big plus of the present location is the access to the hotels and shopping, whereas the general opinion I have read is that LeBreton Flats, although relatively close to downtown, does not have the access to transportation, shopping, hotels and what have you. It would involve a considerable walk of people going back and forth to the hotels, and that would be one of the negative aspects of moving the whole operation down there.

And of course, as you suggest, what are we going to do with the present facility? Are we just going to leave it empty? Seeing the retail climate today, I would not think there is a demand for more stores, to turn the operation now into retail space. I do not think that is realistic.

So I really think there would be a lot of soul-searching before one would make a decision to close up the present operation and move to LeBreton Flats. I think we would take a long, deep, reflective look at that before that type of thing was contemplated.

Mr Grandmaitre: That is it for now, Mr Chair.

Mr McLean: Could you indicate the viability that you feel is there and any effort you would put towards increasing

the tourism aspect of the Ottawa Congress Centre, to draw more tourists into the area? Do you think its intended purpose was fulfilled?

Mr MacDonald: I believe it has been. From what I have read in the annual reports, it seems to be a pretty busy facility.

One plus I think I would bring to the board would be my connections, frankly, within the labour movement. I do not know how many unions are using the congress centre now to hold their conventions and conferences, but there are no groups out there in society that like to get together more than the labour movement and it certainly has a need for convention centres and conference centres. They are holding meetings constantly, so maybe I can plug into that home market. I do not know if it has been explored yet.

Mr McLean: What is their debt at the present time? Do you know?

Mr MacDonald: I believe it is running about a \$300,000-a-year deficit.

Mr McLean: In your opinion, should the province be picking up part of that deficit or should it be the city of Ottawa and the surrounding areas? Who happens to be involved in that now that they have built it?

Mr MacDonald: I understand it is a facility under schedule 2 of provincial regulations, and I think schedule 2 anticipates that it would have a balanced budget every year. The congress centre, if I understand it correctly, needs an annual approval from the province to run a deficit. From the information I have, I understand they do have a plan in place where within three years the budget will be balanced.

Mr McLean: In December 1990, the Ministry of Tourism and Recreation announced in the government's capital spending program it would be giving \$1.1 million, spread over two years, for refurbishing and upgrading. Is that under way now?

Mr MacDonald: I believe it is, yes. I think, as a matter of fact, there is approximately \$1.5 million being spent on upgrading and refurbishing the centre.

Mr Wiseman: Could you describe for us some of the areas where you have had some experience in promotion or marketing products? I see a large role for that in terms of marketing the centre.

Mr MacDonald: My job as secretary-treasurer of the union labour department is to promote Canadian-made, union-made goods and services. I think with all the comment we hear these days about cross-border shopping, that type of thing, we are getting a more receptive audience than ever for our concern about supporting Canadian institutions and operations.

I have been involved in this for a number of years and I can certainly see the interest growing. I think people are actually now looking for a made-in-Canada symbol on things. I think we recognize that if we keep buying foreign products, we are going to lose a lot of jobs. We should be holding our conventions in Canada. We should encourage Canadians to spend their money at home.

Compared to the Americans, I think we have missed the boat a lot on this. The Americans are constantly tout-ing, "Buy American." Canada, in the last few years, since the free trade agreement, seems to have kind of folded up its tent and packed in its promotional efforts. I really think we can do a lot more in that field than we have been doing in recent years. As I say, I think people are receptive to hearing that. I think we should be bragging about all the facilities we have here in Canada. We are second to none as far as the type of events we can hold. We should be really tooting our own horn and waving the flag a lot more than we do.

Mr Phillips: I am not sure to what groups you would look to, to build the business of the centre, but my understanding is that an awful lot of the convention-type thing is on a North American basis. Do you see that as a source of growth for the centre? Are conventions on a North American basis being held more in the area?

Mr MacDonald: I believe so. It is only limited by the floor space within the facility and the hotel rooms adjacent to it. Those are the only restrictions as far as I can understand it. I have heard that because of the GST we have lost business, that type of thing. I am not picking out the Ottawa Congress Centre, but I am not convinced Canada has done a proper job promoting what we have here. We really do have a lot to offer, particularly in Ottawa which is such a beautiful city, safe and clean compared to, as I understand it, so many American cities. People should be just about beating down our doors to hold their conventions and conferences in our area.

Mr Phillips: The reason I asked the question is because of your earlier response. If your goal is to focus a lot on "Shop Canada" for nationalistic reasons, that becomes potentially a negative. If you derive convention business on the basis of nationality, maybe we then start to encourage United States conventions to stay in the US. Is there any risk of that?

Mr MacDonald: I really and truly do not think so. Americans are promoting their own market for all it is worth, obviously. Canada has an image in the United States of a nice place to visit, of nice people to visit. I do not think we are viewed as an enemy or somebody that should be punished or somebody you would not want to share your market with. That is a real plus we have to offer and we should promote it for all it is worth.

I think most Americans look at us as a little brother type of thing and they are not adverse to giving some business to Canada. From organizations I have talked to, the United Food and Commercial Workers and the Steelworkers union which for the last few years have held huge conventions here in Toronto, they were roaring successes. They loved it here.

The Chair: Are there any further questions for Mr MacDonald? Nothing else? Thank you very much, Mr MacDonald. We will be deliberating on this later and the clerk will contact you.

AGENCY REVIEW

Consideration of the operations of certain agencies, boards and commissions.

ONTARIO BOARD OF PAROLE, EASTERN REGION

The Chair: The members who were here yesterday will recall that we broke early. We were going to spend some time talking about the Ontario Board of Parole.

Mr Dutrisac is delayed; he is going to be here later. Mr Wolfe cannot make it; we are trying to reschedule him. Christine Doody-Hamilton has decided not to accept the appointment.

I was going to suggest we take an hour and do what we were going to do yesterday afternoon with respect to discussing the Ontario parole board and we will have Mr Dutrisac wait until we have finished our discussions with respect to the Ontario parole board. He is not here now in any event. How do the members feel about that?

Mr Grandmaitre: That sounds good.

The Chair: All right. Do the members see any problem with having this discussion on the record? It is going to cause some upset for Hansard to leave and then come back, that is all. It does suggest on your agenda that this is a closed discussion. It is another complication. Does anyone have any problem with leaving this on the record?

1020

Mr McLean: We can talk about what we talked about yesterday on the parole board, some thoughts we have.

Mr Wiseman: The more open the system, the better.

The Chair: Okay. I will open the floor for discussion. We will aim for 11:15.

Mr McLean: I have some concerns I would like to raise and have legislative research maybe do a little more work on. They have to do with the parole board's authority to release people on parole in less than the six-month period. It appears to me there should be something over the six months and less than the two years, whereby if a person is on parole the victim, if possible, should be notified about that somehow. I do not know how we go about doing that. It appears to me that the victims in a lot of cases do not have a clue that the person who committed the offence is out in the community. I do not know. I just think it should be looked at. I have a great concern in that area.

The other area I have a concern on is that a judge or the head of a jail can let an individual out when he has been incarcerated. I did not know that before, and I would like to know if it is true.

Mr Wiseman: Are you talking about a temporary absence pass?

Mr McLean: No, I am not. I am saying that the individual could be released without the parole board having any say in it. Who determines that? It seems to me that anybody could apply for a release from prison to the head of the facility he is in.

Mr Grandmaitre: But you are referring to offenders who were sentenced to—

Mr McLean: Two years less a day.

Mr Grandmaitre: No. I think it is less than six months.

Mr McLean: That is right.

Mr Grandmaitre: Yes, less than six months. They get this automatic release without having the approval of, or being interviewed by, the parole board. I thought that was very strange. Who determines, "You can go, Jim," next weekend or this weekend? Who determines this? We did not establish yesterday who was responsible for the release of these offenders. That is a good point that Mr McLean brings up.

Mr Wiseman: We are asking the researcher to do some more work to find out about that for us.

Mr Grandmaitre: Mr McLean, this is your point. I do not want to butt in, but would you want to make a recommendation?

Mr McLean: I thought that if our views were known and expressed clearly here, legislative research could bring back what we are saying to put it into one recommendation. That is really what I am looking for.

Mr Wiseman: That might call for some amendments to the Ministry of Correctional Services Act, or it could also require a recommendation to the federal government to make amendments to the federal Parole Act. I guess that is what we have to find out about, the nature of the decision-making process. If we are still on this one I will stop, because I want to discuss another topic.

The Chair: Is this relevant to this topic, Mr White?

Mr White: I tend to believe so, Mr Chair. If I could attempt to explain my past experience—Mr Wiseman, as the parliamentary assistant to the Minister of Correctional Services, of course would know more—my understanding is that there are two ways in which people can be released early without reference to the parole board. One is through what is almost automatic remission of time. If one supposedly is to be serving three months, let's say, a portion of that time is automatically remitted. I think that would come to a period of, say, 10 days off that three-month period, something along those lines.

Then, of course, as was mentioned earlier, there is also the temporary absence pass. Temporary absence passes are a means by which people can go out to employment while incarcerated, or to a halfway house, so it would seem as if they had been granted parole when in fact this is something that was a Ministry of Correctional Services function.

My understanding is that the Ontario parole board very rarely would have anything to do with someone with a fairly short sentence, that is, six months or less, because the time it takes to secure parole from the Ontario Board of Parole, just to go through the bureaucratic process, is usually some eight or nine months. So people doing very short amounts of time would not even apply for parole at the Ontario level.

Mr Grandmaitre: My question is, who is responsible for granting this temporary release?

Mr White: That would be the Ministry of Correctional Services.

Mr McLean: That is not happening now.

Mr Grandmaitre: You will recall that we have questioned the minister about these releases on a number of occasions, and the standard answer not only from the present minister but from previous ministers was, "I'll look into it." It seems that the minister or the ministry is not totally involved. I think we should look into it.

The Chair: I think the researcher has direction.

I was wrong in my recollections yesterday about an incident in Brockville. It did involve the supervisor of the jail. I believe there is some sort of committee structure. They review the situations and have the authority. In this case, they moved an individual who had been found guilty of sexual assault out into a halfway house in the community very quickly after he had been incarcerated. That was a decision that apparently was taken by the Ministry of Correctional Services officials, and I think right at the local level by the supervisor of the jail and some others who were involved in that sort of very speedy assessment.

When I raised the question about pressure with respect to beds, which was brought to my attention at the time, the chair of the parole board indicated that overoccupancy is not a problem in the system right now, but I think maybe Mr Wiseman would have more information on that. In individual institutions I think it can be a problem, and that perhaps puts pressure on the local officials in that institution to move people out a little more quickly than perhaps they should be moved out. That is certainly something we can ask David Pond to look at.

Mr Wiseman, you had another area.

Mr Wiseman: My concern has to do with the parole situation with respect to the native population, the lack of statistics and the lack of being able to identify within that the clear parameters they are using to define what they mean by "maximum benefit from imprisonment." I would like to see perhaps some recommendations in this report that would indicate that we as a committee would like them, where possible, to start to develop strategies and develop statistical analysis of exactly what is happening with the native population with regard to parole. I think there is a gap there.

The Chair: Anything else? Mr Phillips.

1030

Mr Phillips: This may be beyond our mandate, but I think the people in the end are going to look for their governments to avoid duplication. In listening yesterday, I had a sense that the federal parole system had to have a fair bit of overlap with our system. Over the next 10 years, I think we are going to see those overlaps eliminated generally—not in the parole system specifically, but generally. It may be beyond what we want to deal with today, but I would think at some stage in the future the disentanglement issue between levels of government has to take place both so that money is saved and that responsibility is clearly articulated.

I do not know where all that leads me in this one because we were looking just at this parole board, but at the very least I would ask that part of what this justice system committee, whatever the heck it is, is looking at be

a comment on whether there is at least opportunity for more coordination between the two groups.

The Chair: Along those lines, it might be helpful—and I mentioned this to David—to get some information in respect to another jurisdiction that does not have a provincial parole board to see how it handles this in comparison to the Ontario environment. It may be something again that would fuel our request that this commission take a look at that whole question.

Mr Frankford: In another area, when I asked about the question of psychiatric problems among inmates, I did not think their chair handled it particularly well. There was that statement in their report, but she was not clear whether in fact jails are becoming psychiatric institutions, and I think to find some facts on that would be interesting. I do not know whether there are studies. I have been told that a fair number of inmates really are there because of psychiatric problems, but I do not have direct experience.

That being the case, I think one can well argue that a psychiatric or more medical treatment approach, if it is properly done, would be of more benefit to the inmates and, I hope, would also save costs and reduce pressures on the penal system.

The Chair: Mr Callahan just walked in the door. We are dealing with possible recommendations for our report on the Ontario Board of Parole. You may want to take this opportunity to put your concerns on the record again.

Mr McLean: While he is preparing himself to do that, I would like to indicate that the concern Mr Wiseman has raised is a very real one, the fact that not too long ago we appointed a native to the parole board. I am wondering what he was getting at when he wanted to indicate that there could be special treatment for natives. What was he getting at in his proposal?

The Chair: What was who getting at?

Mr McLean: Mr Wiseman. We have natives on the parole board.

Mr Wiseman: I was looking more for some indication of accountability. How do you measure the success or failure of programs both within the correctional system and within the parole system with respect to the native group, and whether what we are doing is achieving the goal of preventing return and continued offence?

I do not think the words "special treatment" tend to have a red flag attached to them, that you treat somebody different somehow. I do not see it in that light. I see it in the light of trying to do things that work for the benefit of all of society. If it means doing something this way for a group of people who have these identifiable problems, then you do it. You would not do it for a group that does not have those problems but a different set of problems.

Given the statistical reality that there are more natives and aboriginals in the system proportionate to their population, it would, in my mind at any rate, make some sense to see if the programs we are gearing to that group are actually fulfilling the need to help that group.

Mr McLean: I think June Rowlands got into trouble by indicating any special group was causing the problems.

Mr Wiseman: I do not think that is the same thing. We already know, we have the statistical analysis here, that in proportion to their population more aboriginals are in jail. We do not know—

The Chair: We do, but we cannot talk about it.

Mr Wiseman: It is right here in the latest legislative report.

The Chair: No, I meant about other matters.

Mr Wiseman: What I am saying is, let's make sure we are having these—what are they called?—sweetgrass ceremonies, these healing processes and all of these other things taking place within our institutions in an attempt to—

Mr White: Or outside.

Mr Wiseman: That is right, outside.

Mr McLean: But for our report? That was the point I wanted to make.

Mr Wiseman: For our report, I am looking to instruct the parole board to create some kind of system that will measure success or failure of this process. They could not answer that question, if you remember.

Mr White: We have the number of people applying for parole, the number of people granted parole. It should be a fairly easy statistical analysis to determine what proportion of the native population applying for parole is accepted. If there is a distinct difference between the native and non-native populations in terms of whether they are granted parole, I think that particular piece of information should be made public.

Mr Wiseman: In the same paragraph David gave us, he has a sentence: "Aboriginal offenders are less likely to be paroled early in their sentences." If I remember, the Chair raised the question about where that came from and whether that was an accurate statement, just to raise for my friend from Durham Centre. That is the kind of information I am looking at. Where did you get that from anyway?

Mr Pond: The federal Department of Justice, September 1991, in a discussion paper released by the federal Minister of Justice outlining some of the things the federal government was looking to do to reform the federal criminal justice system vis-à-vis natives.

Mr Wiseman: Not to monopolize the time, but do you have copies we could perhaps look at? Is it a lengthy document?

Mr Pond: I can certainly dig up whatever material is available.

Mr White: That is a reference to federal parole practices, then?

Mr Pond: Yes, but that quote was from a passage in which the discussion paper briefly runs down the situation across the country. The federal government collects more criminal justice statistics than does any single province. They have a centre, the Centre for Justice Statistics, that does that, sort of like a Statscan for criminal justice.

Mr White: My concern here is simply that we do not have control over the federal government's jurisdiction within its parole, and its Solicitor General and correctional

minister. We do, however, have some influence, I would hope, on our own government, and if those practices which are federal are maintained here within our province, I think we should have some reason to be concerned.

1040

Mr Callahan: I would like to bring forward some of the things I was concerned about yesterday. I think everybody was here. The concern I have is that the temporary absence pass program, or allowing people to go out and maintain their jobs, particularly in this present economic environment which is probably going to last for another two and a half years—jobs are very important, particularly with the burden on the welfare rolls. It seems to me to be ludicrous when a judge orders that there be a temporary absence pass and it is not able to be fulfilled because of the overcrowding of our system.

I am also interested in noting that in the brochure we got from the parole people, day parole is a program which is only available federally. It seems to me that if the overcrowding of the prison system is going to continue and the orders or the recommendations of judges cannot be carried out in that regard, with the net result that the person loses his job, and the family, who are innocent victims as much as anybody else in society, has to go on welfare, then there should be some other form of perhaps day parole the parole board would have the authority to exercise if in fact the correctional authorities do not do it.

If you do not do that, I suggest what you have is that the integrity of the system of justice is compromised in that everybody in the courtroom anticipates that this man will be out working, including his family. More often than not, the decision made by the judge is influenced by that, and then it does not happen. That is exactly what is happening now. I would submit that is going to have a significant impact on the integrity of justice, and I am sure even a victim of a crime would not consider that the family—wife and kids—should be required to go on welfare and be deprived of what everybody had anticipated would take place.

I would like something in the report to record that problem and to address it in terms of perhaps an expansion of the parole board's authority so that if the correctional authorities are not able to carry out their mandate themselves, the parole board would in some innovative way ensure that the person's job is not lost.

There is one other thing I would like to follow up on. I am very much sympathetic and in favour of a victim's statements being used at a parole hearing, except that we all heard from the parole board that this system is a non-adversarial system—although we did hear that in about 2% of the cases lawyers are being brought in to play. I would suggest to you that if a victim's statement is used in a parole hearing, you are going to get into a very much more adversarial system. I think that would be in a sense fair, because you are having a statement put forward that is not subject to any type of scrutiny or cross-examination. You would wind up with witnesses having to give evidence viva voce, and that does not make any sense.

All of that is already done or is starting to be done in the courts in the sentencing process. Victim impact statements are made available. If the counsel acting for the accused wishes to challenge statements that are made in that victim impact statement, then the person can be brought forward and properly examined in a courtroom.

Finally, whether you agree or disagree with what I am saying, I would suggest to you that if you bring the victim impact statements into the parole system and you do not allow for the right of the person representing the accused to question or challenge that statement, you are going to wind up with that particular provision being struck down as being contrary to the Charter of Rights. It clearly will not be providing a fair hearing for the accused.

Having said that, I go back to where I began. I think the victim should certainly be aware of the fact when someone is being released on parole. I think that is absolutely essential, particularly if it is a crime of violence. But I have some reservations about how you inject that process into the parole system. I think the proper place for it is in the trial system or at the plea of guilty or the finding of guilt that that decision is made. Those would be the two things I would like to see somehow injected into the system.

A third thing would be that I understand there is a justice review committee going on. We in the opposition would like to know a lot more about that whole process and what is going on. My colleague Mr Grandmaître, or maybe it was Mr Phillips, said we have not been able to get that information, and I think that is the type of thing that should be available to all members of the Legislature so that we can all have our input into it and perhaps offer some constructive criticism or some helpful comments.

It seems to me that we are jailing people for property offences, shoplifting of small items, and in some cases even along the lines of items that do not make it sensible or worth while to bring them before the criminal justice system. They should be dealt with in some other fashion.

I urge the parliamentary assistant—are you parliamentary assistant to the Minister of Correctional Services?

Mr Wiseman: Yes.

Mr Callahan: I would ask you to pass on to the parliamentary assistant for the Attorney General that any review of this system should be open to all the members of the Legislature and should be participated in by all of us. We all have some good ideas that could be shared. I would hate to see a review that came back with just a limited number of ways this can be dealt with. I think we have a lot of good ideas in the Legislature, and the opposition should have full information on that. As I understand it, and I stand to be corrected, this information has not been forthcoming although the request was made by you, Gerry.

Mr Phillips: It was broader than that. Treasury board has initiated a series of reviews. It was the big thing that was announced. I have asked them to give us just a list of the reviews and they said, "No, we won't give you the list of what reviews are going on." We cannot even find out what reviews are going on, let alone what is happening in the reviews. They said, "That's for us to know."

Mr Callahan: If that does not happen, I think either this committee or the appropriate committee should require within the mandate of its power that this information be forthcoming and that one of the committees, perhaps the standing committee on the administration of justice, have full participation in that process, since it is generally concerned about the entire problem.

Those are my submissions.

Mr Grandmaître: May I add something? We have invited three, maybe four, agencies to be reviewed.

The Chair: I think it is six.

Mr Grandmaître: A total of six?

The Chair: It was two per party, in any event. I am not sure exactly what the final number was.

Mr Grandmaître: Would it not be useful if we were to invite somebody from the ministry to spend half an hour with us before we make recommendations or we decide on a report? I am sure a lot of our questions are administrative questions. Would it not be useful if we were to invite somebody from the ministry, not only on parole boards but any agency that is being reviewed, to have a chat with them before our final report?

The Chair: That is certainly an option; we could do that. If time does not permit, in terms of the constraints we have had placed upon us by reviews of appointments, for example, we could consider it. It has not been done in the past, to my recollection, but we could consider providing them even with a draft or a series of questions in writing related to our deliberations. That is another alternative, but I certainly do not see anything wrong with discussing it with the ministry prior to finalizing a report, that is for sure.

We are not going to have time during these sessions to do that, but once we come back, certainly before we finalize any element of this, we could at the request of a member request either the minister or a senior official within the ministry.

Mr Grandmaître: I am sure most of our questions are administration-related questions. It could speed up the process.

The Chair: I agree.

1050

Mr McLean: On the other hand, Mr Chairman, it may be more confusing, because once you get a senior official appearing before you, he is not going to speak on behalf of the minister. We are here making recommendations, and if it is not coming from him, then he would probably not deem it to be a good recommendation.

Mr Grandmaître: Are you saying you do not trust senior civil servants?

Mr McLean: What I am say is that they probably do not want us to make any recommendations.

Mr Grandmaître: No, I would not want that person, Mr Chair, to influence our final report, but at least he or she could answer some administrative questions.

The Chair: And provide us with information on what may be happening in the ministry that we are not aware of.

APPOINTMENTS REVIEW

Resuming consideration of intended appointments.

MAURICE G. DUTRISAC

The Chair: Mr Dutrisac has arrived. Mr Dutrisac, welcome to the committee. Mr Dutrisac is an intended appointee to the Workers' Compensation Board. He was selected for review by the official opposition, so I will look to Mr Grandmaître to lead off the questioning.

Mr Grandmaître: Thank you, Mr Chair. Monsieur Dutrisac, what do you think are the most serious present problems with the WCB system?

Mr Dutrisac: Monsieur Grandmaître, I think the major problems with the current WCB system from the employers' side are the service of our stakeholders—being the customers, the injured workers, as well as the employers—and the unfunded liability, which is encroaching on \$10 billion. Those are basically concerns the employer groups have with regard especially to the future of manufacturing facilities in Ontario. It is something, as an appointee

to the board, I would like to take a look at.

The other area is the workings of the board. It is quite a large organization. They have done a lot of technical changes, a lot of reorganization. Things have not improved dramatically, but there are ways of running an organization where you not only get 10% improvement but you could get 10-fold improvement without increasing the cost of running that organization. I think there are tremendous opportunities with a large staff such as the WCB's to bring in programs through training, through empowerment of their people, through linking technology with their people so that they can take care of the stakeholders. Not 10% increases; I am talking about 10-fold increases, doing more with basically the budgets you have or even less than what you have. Other companies have done that.

Mr Grandmaître: Do you think too many people are taking advantage of the WCB system as it is in its present state? We hear all kinds of comments that, hey, maybe 20% or 25% of the people on WCB are cheaters. Do you believe this?

Mr Dutrisac: That is a difficult question. I can only speak from my experience at the various companies I have been working at. I have not found that to be greatly the situation. The issue is prevention, not to have the injuries or occupational diseases. That seems to be the key area, but in my experience—I have been involved with various companies for 17 years now—I have not seen that much abuse of the system. I have not run across individual cases. You hear about it through hearsay, but personally I think most people are genuine. There is a problem with them, and the Workers' Compensation Board is the mechanism to help rehabilitate them and get them back to work.

So personally, no, I have not seen great situations. Basically, people want to work. They want to be productive to society, and especially with the economic situation we have in Ontario, I think people are realizing you cannot get a free ride any more; you have to contribute to society. I guess I believe that people innately really want to be productive and they want that chance.

Mr Grandmaître: I think we both agree that there are some cheaters. Maybe the chairman of the WCB could answer this: At present, employers are looking at the possibility of supervising, if I can use the word "supervising," these cheaters, or following these cheaters. I know some of those cheaters; they live in my own riding. One of them is the chairman of the largest Ski-doo club in Canada. This guy has been on WCB for the last 27 months; he has a sore back. He just came back from a 2,000-mile Ski-Doo trip. How can I report this guy?

Mr Wiseman: You just did.

Mr Dutrisac: There may be the odd cheaters, but my belief is that they are a very small percentage of the people. If employers do a good education job of telling all their employees that there is a cost involved with that and that we need their productivity, perhaps this would not occur. In any system there will be cheaters.

Mr Grandmaître: I realize this, but who can I phone in the Ottawa-Carleton area to report this case?

Mr Dutrisac: Basically, you can report to the Workers' Compensation Board. I do not know all the internal workings of the board. I imagine they would do an investigation on that individual.

M. Grandmaître : Je réalise que vous êtes sincère dans votre approche mais par contre, je dois vous dire que certaines lacunes existent dans le système. Je crois que tout le monde en est conscient, mais par contre, c'est frustrant. C'est très frustrant lorsqu'on voit des choses de pareille sorte et qu'on voit que ça coûte très cher aux employeurs qui paient pour ces gens-là et qu'on voit ces gens abuser du système. En plus de ça, ces gens-là aiment répandre ces faussetés ou ces vérités en disant : «Bien, moi je profite du système et il n'y a personne qui va m'empêcher de profiter du système.»

Moi, je trouve ça dégueulasse. Par contre, je reconnais que c'est un petit pourcentage qui tourne la situation à son avantage. Moi, je veux trouver un moyen pour que ces gens-là ne deviennent pas un exemple pour les gens qui ont vraiment besoin d'aide et qu'on n'en voie pas d'autres qui abusent du système. Une fois que vous ferez partie de cette commission, je voudrais que la commission s'arrête pour trouver des moyens pour empêcher ces gens-là, surtout quand ce sont des voisins ou presque des voisins. C'est dégueulasse.

The Chair: Mr Callahan, you have about three minutes.

Mr Callahan: You are applying for a position with the board that has caused concern for all members of the Legislature, I think, not just one specific party. I know you will not necessarily be involved in policymaking, but you talked about safety, that that should be the key item, that employers should try to ensure that it is a safe workplace and you have minimized the amount of WCB claims. Given the opportunity to look at it from the standpoint of perhaps an insurance angle, what would be your position, that those companies that are eminently safe and claim-free should get a better break than the ones who are the recurring, slipshod type of operations?

1100

Mr Dutrisac: Basically, I support that type of insurance program. A new experimental experience rating system that is being put in place will give the companies that do a good job—I have always been associated with companies where we have put in all sorts of programs, like the five-star program under the international loss control using du Pont, which is one of the best companies in the world at bringing in safety management programs. It is up to the company to bring these in.

I support that the insurance should be skewed so the employers who do a very good job, who are better than average at prevention, get a better break on the insurance. In our operations in Quebec, the Quebec provincial government has come up with a new system as well where you can pick your level of risk. If you pick a level where you are supposed to come in at those numbers and you are not there, you end up paying quite a lot on your assessment. I support that. Employers listen to the costs. One of the key ways to prevent accidents in Ontario would be to have such a system.

Mr Callahan: It seems to make sense that if you are going to take the burden off this unfunded fund, you should get some benefit if you are safety conscious.

Equally, what would you say if you had the ability to perhaps influence it in terms of employers self-insuring themselves to a certain extent, if they felt they were more safety conscious than other companies, to maybe even make better provision for their employees?

Mr Dutrisac: This would be in addition or a total replacement?

Mr Callahan: Perhaps in lieu of. I get complaints, as I am sure many do, that they just seem to pay premiums. They have a safe workplace and they get no place. I am being called for time, but I would like you to think about that.

Mr Dutrisac: In my various responsibilities over the last 17 years, I have been in situations where I have been responsible for the health and safety for North American companies or operations in various states in the United States. They have such a system. It does work, but I do not know if I would want to abolish a system that was put in place in 1915 to come in with a self-insurance system.

Mr Callahan: The Income Tax Act came in in 1948. I would like to abolish that.

Mr McLean: I have a couple of questions. The WCB certainly has a lot of employees. I often wonder if it has enough sometimes when my staff phone to make inquiries. I do not know how you are going to do it. From what I can see, you are certainly getting yourself into a big job as a member of the board. I often wonder if the board itself really has the ability to look at the overall picture of the workings of the WCB. I have often wondered if we would not have been smart to have had a special commission or group of consultants come in and do an overall review of the board and its workings. Would you look at that as a favourable idea the board maybe should be looking at?

Mr Dutrisac: It is certainly a possibility. That is one solution. The other solution is that as a board member my impression would be that you would be able to put policies in; for example, this 10-times improvement. If we could convince all the board members to look at doing more with less, for example, probably there are enough people there. It is just that the structure and the technology and the organization have not really melded to provide the service to the stakeholders. That is one mechanism. There are other mechanisms for doing it. Other companies are downsizing across Ontario and on a global basis and they are doing more with less. Why can the board not do that?

Mr McLean: Maybe that is what the board has been doing, but it does not appear in my riding that this is the answer, when I have people come into my office continually who cannot get through to the board. The line is busy or they get through and get left on hold. My office gets through a little better sometimes, but not all the time. It is so big that it is impossible to satisfy everybody, but I am wondering if there should not be an overall commission to look at the workings of the board. Does the board determine the awards? Does that come from the professionals' position to say whether, if you have a hand off, you get a 30% benefit for life?

Who looks at these types of things? From the perspective I am coming from, what I see is that it is just that the WCB has a problem with handling the amount of clients it has.

Mr Dutrisac: I am a businessman, and that would be one way of fixing the problem. Certainly there is a problem, and the board will have to show leadership to find ways of fixing the problem but not increasing the cost of it by two times. We just cannot afford that in Ontario, so there has to be a solution to it.

Mr McLean: I wish you well. You have a big job.

Mr Wiseman: I would like to take a look at the financial position of the WCB. Are you aware of the unfunded liability?

Mr Dutrisac: Yes. It is encroaching on \$10 billion and that is a scary situation.

Mr Wiseman: Can you give me some historical background and perhaps some analysis? First, how did this unfunded liability come about? Do you know that?

Mr Dutrisac: I do not have all that information. I guess basically, with the poor economy that has been taking place in Ontario—we have been in a recession for the last two years—things are getting out of hand where it is dramatically increasing. As well, there were some propositions to remove that unfunded liability in about 15 years' time. That is becoming more difficult to manoeuvre as that debt goes up, an unfunded liability.

My main concern would be that in light of the fact we are now in a North American economy, I would be concerned that if employers would have to make up that unfunded liability within a very short time span, it could make us economically not viable when we are competing with the US. Plant to plant we are part of a global operation, and basically our plants have to compete with Mexican and US plants.

But to answer your question, Mr Wiseman, I do not know all the details of how that came about. I guess basically there were not enough fees coming in and too much money going out. It is just like a snowball where it accumulated.

Mr Wiseman: This is the part where I have some difficulty in terms of when you said the fees coming in were not enough to cover it. In fact, the fees coming in I think covered sort of the day-to-day costs, but where the actuarial slipped was in projecting the future. Now we come back with actuarial statements that say it is \$10 billion. Do you know what criteria they used to determine the long-term unfunded portion?

Mr Dutrisac: No, I do not know. Certainly, if my appointment goes through, I would like to find out. I am certain, being involved with actuarial situations on pension funds, that there were some growth assumptions made, and those growth assumptions have not come up. We are in a declining economy and the fees are not coming in.

Mr Wiseman: On the other side of that, though, there are also assumptions in terms of need that are used. The actuaries, being a very conservative group, always err on the side of caution, but even half a percentage point in terms of investment error turns into billions of dollars of long-term stated need and long-term stated requirement.

What I would hate to see happen is that—as you have already pointed out, this becomes part of the profits of a small company or something—the actuaries have erred on the side of caution to the extent that they have exaggerated the unfunded liability portion of the WCB and then turn around and move that cost on to the small businessmen, only to find out in four or five years after they have added this burden to them that they were wrong. Can you give me some comments on that?

Mr Dutrisac: That is scary. Basically, if I were a member of the board, I would want all the facts in those calculations to ensure we would not get into the situation.

1110

Mr Frankford: I am a physician, so I have dealt with the board in another way and been remunerated. It seems to me—I am not sure of all the details of how it works—there has been some coming together of physician payments between the WCB and OHIP, but it is not totally integrated, for sure. The WCB is also paying more for the paperwork side of it. Have you given any thought to whether there should be any further integration of the two?

Mr Dutrisac: It is not something I have really thought about. Maybe it is something I can think about.

Mr Frankford: For physicians in practice, it is on a fee-for-service basis.

Mr Dutrisac: Yes.

Mr Frankford: Fee-for-service is not the only way of paying physicians. You can have salaries, sessional fees, per capita fees.

Mr Dutrisac: Yes, and there are retainers.

Mr Frankford: Have you given any thought to it?

Mr Dutrisac: No, I am sorry. That is not an area I really looked at, but certainly it is a very important component of having the physicians provide the services to injured employees. The physicians are stakeholders in this system.

Mr Frankford: Then of course you have some physician employees and the board may require a community physician to refer to one of the board's physicians. Do you have any views on the relationship there? Should there be more board-salaried physicians, medical offices, or whatever?

Mr Dutrisac: It is something I would like to study. I really have no opinion either way, except that they are stakeholders and basically the client is the injured worker. As long as the system takes care of the injured workers and physicians are happy with the system, that is what I would be looking at, the best system of handling that.

Mr Hayes: I think, as we all know, a very high percentage of injuries are strains and sprains. Especially in the bigger auto industry, for example, it used to be they would build a variety of engines. Now what you have is an assembly line for mass production and to compete. The workers are continuously doing the same kind of job; in other words, repetitive motion. You get a lot of injuries like carpal tunnel syndrome and things of that nature. I think there are some things that can be done, like using ergonomics and actually making the job fit the person rather than trying to make the person fit the job.

There are a lot of strains and sprains as a result of that repetitive motion. Do you think the compensation board should have a role in saying to some of the corporations, "You have to start looking at improving your ergonomics and your jobs," in order to reduce the strains and sprains we are having, because I truly believe from experience it is repetitive motion. A lot of these jobs may look simple to some people, but when you are continually moving the same muscles day after day, you are bound to have these injuries. Do you think there is a role or an obligation for the Workers' Compensation Board to have some of the corporations and unions get together to put on ergonomic programs like some places do?

Mr Dutrisac: Certainly I agree with you that most of the accidents are strains and sprains, if you analyse accidents, especially in assembly line operations like we have in the appliance industry. Most companies are getting involved with ergonomics. They are bringing in ergonomics consultants, or if they are large enough, they have their own experts on staff. It certainly makes sense to look at ergonomics, and also to look at social technology programs where employees decide how long they stay on the assembly line or where they are moved about and there is job rotation so they are not doing the same assembly. Work involvement is important.

To answer your question directly, I would prefer an education system from the Workers' Compensation Board—there are also associations like the Industrial Accident Prevention Association—to educate employers in the importance of using ergonomic theories.

I do not know, if you legislated it, it might become another government encroachment on various business

practices but I agree with you that there need to be more ergonomics. Maybe the board should take a look at that because once the accident has occurred, it may take a year to get an injured worker back, and if you can prevent accidents from occurring, it has a tremendous productive impact on the economy if you can keep people at work.

Mr White: Actually, following Mr Hayes's question, it seems the issue with WCB is very frequently an issue of claims and monetary settlements. However, it seems to me that there is also an obligation to be looking at both accident prevention, as Mr Hayes was suggesting, and effective rehabilitation, as is I believe part of the WCB's mandate at the moment. Do you have any comments on that latter end of the process, as Mr Hayes has already touched on the preceding part?

Mr Dutrisac: Yes, that is the other part of it, the actual rehabilitation. I think it has been very difficult with the slowdown in the economy. There have not been that many jobs for people who cannot return to their old jobs. It has been very difficult. I think the WCB has been accused of not having enough rehabilitation programs. It is a very difficult situation. How do you get those people to become productive again? It is sometimes very complex. Certainly it is something that needs more looking into.

The Chair: We have a little extra time and I am going to give Mr Wiseman another shot at it.

Mr Wiseman: Have you any idea how much cash is on hand at the WCB for working capital on a daily or monthly basis?

Mr Dutrisac: I have no idea. I have not looked at their cash flow statements.

Mr Wiseman: I guess I am preoccupied with this notion of the deficit and the money and where it is. I am concerned about how much cash is available, what kind of short-term instruments it is invested in and what kind of return is being given on that money, and how secure they are, given the volatility of the market. I think that has a lot to do with how successfully this unfunded portion of the WCB is going to be handled in the long run. Do you have any comments on that?

Mr Dutrisac: The only comment I would have is, as a business person, like any company, you cannot survive unless you watch your cash flow. You watch your investments. I would assume that an organization as large as the Workers' Compensation Board would be taking a very close look at those situations. I know in private life you would not survive. You would be broke or you would go bankrupt.

Mr Wiseman: Here is the kicker then. Do you think the WCB should be able to market worldwide to buy GICs or long-term instruments in other markets or should it be restricted to buying them in the Canadian market alone?

Mr Dutrisac: One of my tasks is to invest the pension plans for my companies and there are some limits there. We can only use 10% on foreign investments. I guess it is a question of how much money you want to reinvest in Ontario. If you take everything to Europe, what happens as far as further investments go? I guess there could be a little

bit more but I would not want to see all our money going out to Eurobonds or in the United States. It is a complex issue.

Mr McLean: I have a short question and it follows what Mr Grandmaitre was talking about earlier with regard to people he feels should not be on the system. I do not think there are many on the system who should not be, but there is the odd one. Perhaps in some of your board meetings you could look at providing a service for people who feel somebody is getting benefits who should not be. There would be a number somebody could call to report that. If it is legit, fine; if it is not, fine. As he said, "Who do I contact? Who do I report it to?" There does not appear to be anybody. I have had it brought to my attention in the riding and I have said, "It's not up to me to look after that issue," but there is no place you can contact. I think there should be accountability in that form.

1120

Mr Dutrisac: There could be. I have had situations where people have called the various companies I work for and informed us that this individual is working in a car wash while receiving workers' compensation. We had an investigator go out there, confront him, and that was the end of it. He had to refund the money and he was no longer an employee of our company. There is the odd one, but I still feel that basically people are honest and they want to be productive.

Mr McLean: I do too.

Mr Dutrisac: There are always one or two.

The Chair: I would like to ask you a quick question as well before we let you go related to the study that is now under way with respect to granting compensation benefits related to stress. As someone who has been working in the human relations field for as many years as you have, I would suspect that gives you a lot of concern. It seems to me it is like stepping into a black hole. Where does it stop and how do you define what is compensable with respect to stress? We talk about remaining a competitive province with respect to other jurisdictions in North America, let alone the world. I was wondering what your views are on that. Do you have any concerns?

Mr Dutrisac: There is a concern. If you are a global company with part of your operations in North America, you are at a competitive disadvantage if their insurance provisions do not cover stress. I have to admit there are situations of stress, especially in the last couple of years. It has been a situation where, with downsizing, people have to do more work, and there may be situations where stress can cause someone to miss work. The difficulty is identifying which are valid and which are not. As we get involved in giving people time off or giving them benefits for stress, it is a concern that most employers have.

The Chair: Thank you very much, Mr Dutrisac.

Mr Callahan: Mr Chairman, I understand the 11 o'clock and the 11:30 will not be here. I just wanted to follow up on a point that was made by Mr McLean.

The Chair: I am going to let you have one minute, because we have gone well over the half-hour that is allocated,

which is our normal process. I let each party have a quick question, so I will let you have one.

Mr Callahan: I was intrigued by the situation of someone working in a job and collecting workers' compensation. If a person buys a business, he has to do a search to make certain there are not workers' compensation premiums outstanding. What is so difficult about setting up a system whereby an employee would have to produce to an employer a statement that he is not collecting workers' compensation? Is that an impossible task? Would it be something you would pursue?

Mr Dutrisac: I think it would impact on the freedom of people. It is just another regulation you have to go through.

Mr Callahan: But they impact on the freedom of people. It also impacts on the question of the integrity of the system. I think if there were more things like that in unemployment insurance, people would stop bitching about the process and we would not run the risk of losing them if we had that type of control.

Mr Dutrisac: My concern would be that to put in procedures just to go after the 1% or the one tenth of 1% who do cheat may be overkill. In the end, you do get caught if the system works. There is a system of appeals. You cannot hide all the time; for instance, Mr Grandmaitre, your Ski-Doo person. I think eventually things will get caught up.

Mr Grandmaitre: He will buy a four-wheeler.

Mr Dutrisac: Yes. Well, hopefully not.

The Chair: Thanks very much, Mr Dutrisac. We appreciate your appearance today and your most interesting testimony.

Since we still have a little bit of time, if there is no objection, if you take a look at your agenda, at 2 pm we were scheduled to make a determination with respect to the intended appointees who appeared before us. As one was unable to appear and the other cancelled, I am going to suggest that perhaps we can deal with the appointment of Mr Dutrisac and of Mr MacDonald right now, unless there is an objection to doing that.

Mr Wiseman: I do not.

The Chair: Do you want to move with respect to both appointments?

Mr Wiseman: Yes.

The Chair: We have a motion from Mr Wiseman that the committee concur with the appointment of Maurice Dutrisac to the Workers' Compensation Board and Donald MacDonald to the Ottawa Congress Centre. Any discussion on the motion? All in favour?

Motion agreed to.

Mr Frankford: If there are no other items, could I raise a sort of research question I asked David Pond about yesterday? It relates somewhat broadly to one of the people who did not turn up, about provincial appointments to hospital boards. I thank David for his speedy response, but it was not really the question I was asking.

What occurs to me is that many of us have hospitals in our ridings, but I think the majority do not have provincial

appointees to them. The question I am really asking is, is there any rationale to when they have provincial appointees and when they do not?

Mr Pond: I believe that under the Public Hospitals Act, publicly funded hospitals, as a condition of getting the grant from the province, will have provincial appointees.

Mr Frankford: But I do not think that is the case. I think if you look at the number of hospitals that have provincial appointees, it is a small minority of all hospitals. Since it is the first time we have had a hospital board appointee, I thought it would be an interesting question to raise, and looking down the road we may be looking at revisions to the Public Hospitals Act. So I think this might be a useful piece of information to have for that.

Mr Jackson: Mr Chairman, just for information, I recently had occasion to contact Mr Wright, the Information and Privacy Commissioner, and he advised me on a technical point that there is a distinction between publicly funded hospitals, and for want of another word, non-publicly funded hospitals in that some are in and some are out of freedom of information legislation. I found that rather fascinating. I did not know it until I tripped into it, but here is another apparent wrinkle or difference in these hospitals. To the extent that we may be uncovering something, we may find there are a lot of perhaps inappropriate divisions and distinctions occurring between these hospitals, simply because they are defined as publicly funded from the province.

I just enter it for information, but I was quite fascinated by this unusual distinction. If I have one of each, I have access to my constituent files in one hospital but I do not in another. It is really quite absurd.

The Chair: I should mention that Michael Wolfe is the intended appointee to the Royal Victoria Hospital board of governors. The clerk is still trying to get in contact with Mr Wolfe to see if we can fit him in in terms of a review at some point during the week that will also conform with his schedule.

The other thing before we break is that I just want to remind you on the agenda that Carol Phillips is going to be here, so you can give some thought to that.

Mr McLean: This afternoon?

The Chair: She is going to be scheduled during week two or three, I guess. Doug does not have any specific date set up for that yet. Really, this was a suggestion of the clerk, that we at some point during our deliberations—and perhaps do this on an annual basis. If this committee continues to review appointments, we would look at doing this on an annual basis, to review the process and get her views on how it is working and relay the views of the committee to her as well.

Mr Callahan: Not being a full-time member of this committee, I saw in here where the Premier had forwarded to us Lieutenant Governor appointments he had already made. What is really the function of this committee? Has it any turnback powers or is it just an exercise in futility?

The Chair: We have been discussing that at length for some time. There is in your folder the terms of reference

for the committee. If you want to take a look at that, it may help you when Ms Phillips appears before us.

Mr Wiseman: The potential for this committee is to reject an appointment.

Mr Callahan: It is not advise and consent, I gather, as in the United States process.

Mr Wiseman: No, this is not the American—

Mr Callahan: This is, "You are advised and you will consent," I guess.

Mr Wiseman: But this government is doing such a wonderful job appointing all these wonderful appointments like—

The Chair: Meeting adjourned.

The meeting adjourned at 1132.

CONTENTS

Wednesday 15 January 1992

| | |
|--------------------------------------|-------|
| Appointments review | A-767 |
| Donald MacDonald | A-767 |
| Agency review | A-769 |
| Ontario Board of Parole | A-769 |
| Appointments review | A-773 |
| Maurice G. Dutrisac | A-773 |

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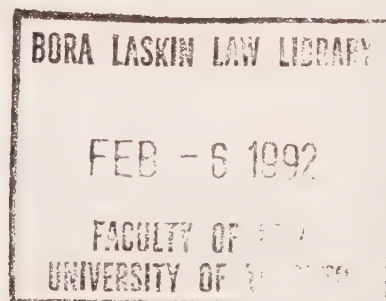
Le jeudi 16 janvier 1992

Standing committee on government agencies

Agency review:
Ottawa-Carleton Regional
District Health Council

Comité permanent des organismes gouvernementaux

Examen des organismes
gouvernementaux :
Conseil régional de santé
d'Ottawa-Carleton



Chair: Robert W. Runciman
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Table of Contents

Table of Contents for proceedings reported in this issue appears at the back, together with a list of committee members and other members taking part.

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La table des matières des séances rapportées dans ce numéro se trouve à l'arrière de ce fascicule, ainsi qu'une liste des membres du comité et des autres députés ayant participé.

Il existe un index cumulatif des numéros précédents. Les renseignements qu'il contient sont à votre disposition par téléphone auprès des employés de l'index du Journal des débats au (416) 325-7400.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Thursday 16 January 1992

The committee met at 1030 in committee room 2.

AGENCY REVIEW

Resuming consideration of the operations of certain agencies, boards and commissions.

OTTAWA-CARLETON REGIONAL DISTRICT HEALTH COUNCIL

The Chair: Come to order, please. Witnesses this morning are appearing from the Ottawa-Carleton Regional District Health Council. Mrs Heidemann is the chair. Mrs Heidemann is accompanied by Alan Warren, executive director, and Susan Carroll-Thomas, the chair of the executive committee. Welcome today, we appreciate your appearance. Before we get into questions and responses, would you like to make an opening statement?

Ms Heidemann: We would like to make an opening statement, but in view of the fact that you already know a fair amount about health councils, we will just keep our comments brief in the interests of your questions.

I am told, Mr Chairman, that I need to reidentify myself when I speak. I am Elma Heidemann. I am the chairman of the district health council in Ottawa-Carleton. Do you wish me to reidentify the others as well?

The Chair: No, Hansard will look after that automatically.

Ms Heidemann: We are delighted to be with you today to have an opportunity to speak to you and answer any questions you might have. We appreciate the interest this committee is taking in district health councils, and hopefully we can provide you with the information you require.

The Ottawa-Carleton Regional District Health Council was the first district health council in the province. The legislation was enacted in 1973. It took a little while to get things organized and we actually became operational in 1975 with the specific terms of reference and budget arrangements.

Ottawa-Carleton as a district is the second-largest urban centre in the province. The health system in Ottawa-Carleton serves nearly 37% of French-speaking population, which makes us somewhat unique in the province.

We are also pleased to say that from our inception we have had strong support from the regional municipality of Ottawa-Carleton and for this we are extremely grateful. We find it a good arrangement that has always been beneficial with what we need to do. We have also always had a strong relationship with the university's health sciences centre.

In addition, I might point out that we have enjoyed, happily, excellent membership strengths. For example, all our past chairmen have been from the community. Just by way of information, some of our past chairmen have been a vice-president from the Bank of Canada, a prominent union leader, a retired public servant from the pension sector, a

provincial court judge, a senior manager from the commercial field, an educator and, most recently, a world-respected food nutrition expert. We consider ourselves to be very fortunate, not only in the kind of people we can attract to the council itself, but also in the kind of people we can attract to be leaders of the council.

Some members of the council have in fact had 10 or more years' association with the district health council. That is, they have served, they have done pre-service on many of the advisory committees which the health council has. After that, of course, they complete six years on the council. Even following their term on council, many come back to serve again on various committees or advisory boards that we have.

We have always taken very seriously the phrase "plan comprehensively." This is in our terms of reference and it has provided for us the basis for a broad range of activities and our emphasis on long-range planning. To this goal, we might tell you that our first long-range strategic plan was done in 1977-79. This was a major exercise that was funded by the Ministry of Health and the regional municipality. Our second long-range planning exercise, which was called The Vision of Care for the Year 2001, was completed in 1984 and proved to be both influential and in fact prophetic in its forecast of the 1990s' financial crisis in the health care system.

Council generally follows the goals and policies as set out by the Premier's Council in Ontario. For itself, however, it sets more simple, understandable and measurable objectives. To give you an example of this, some time ago we set an objective of a one-third reduction in the rate of institutionalization of the elderly, which was to be achieved between 1981 and 1990. To achieve this goal, council struck out on its own and devised a complete geriatric program which, because it broke new ground, took time to achieve and took time to achieve in terms of ministry approval. But eventually this goal and our method of meeting the goal set a pattern for province-wide regional geriatric services, so we are quite proud of our work here.

Council inherited, when it began, an historical situation of interhospital competitiveness based on cultural diversity. While council has generally excellent working relationships with the hospitals and agencies, it has not been able—and we will be quite candid about that—to totally break down this competitiveness. Progress has been made, however, and the council introduced its own guidelines on French-language services in the early 1980s, and its French-language service committee has been very active since its formation in 1983.

Council's policy has been to try to make all services bilingual, but especially to ensure adequate French-language services, insisting on two-language capability in one-of-a-kind services. The current difficulty in seeking to rationalize

services, which we are all going through at the moment, is complicated, as you can see, by the fact that we must serve people in our community who speak at least two different languages.

The upshot of all this is that some time ago, when it was necessary for health councils and for the province to designate teaching institutions within each health sciences community, in fact in Ottawa two were designated to accommodate the bilingual nature of our community. This, of course, when rationalization comes to be, has presented us with problems. Perhaps you would like to know more about that later. I will not dwell on it now.

Given our accumulated experience, we certainly look forward with confidence to the future. We believe that in the past we have done a good job in carrying out the province's wishes. We believe we will carry forward this intent into the future.

1040

In the past, for example, we have been able to achieve one of the lowest utilization rates in acute care beds in the province. This is in spite of the fact that we have one of the most rapidly aging populations in the province. As an example of what we did to achieve this, in 1986 the former Liberal government offered us new acute care beds. We requested, however, that we trade 80 of these beds for two new ambulatory care centres to serve our growing outlying communities. This in fact was accepted by the Ministry of Health and we are progressing to implement ambulatory care instead of new hospital beds.

We are certainly interested in taking part in any pilot testing of the system based on the Premier's Council concept of devolution, even if that means the disappearance of the district health council as we know it now. We are convinced, however, of the value of community participation and the partnerships among consumers—partnerships as well with municipal governments and with other health agencies, providers and the academic sector, partnerships we believe in future will be the basis on which the health care system can continue, however those partnerships may be structured.

We do have a concern, and we will voice this to you today, that we as health councils need to prepare better for the future challenges which will face us. One skill we need to develop which we currently do not have is that of program evaluation. Not only do we not have this skill, but this skill is not well developed anywhere in Canada. However, we are associated with the field of health technology, which is another big item that will face us in the future. In 1989-90 we were associated with the establishment of the Canadian coordinating office for health technology assessment, and we are pleased to say that it still remains in our office building.

We must also remind all the observers of DHCs that volunteers have their limits. They mostly have jobs and other responsibilities, and DHC staffing in the past and now is strictly limited. In this regard, we have one observation on the unevenness of staffing levels.

Our neighbouring DHCs in fact, if we look at them, have slightly richer staffing than we have, with a health sciences centre and quite a complicated community. It will be even more difficult in future to expand our activities

into fiscal planning, human resource planning and program evaluation with the limited resources we have now. I say it will be difficult; that is certainly not to say that we would not attempt to do so.

We have circulated to you a submission which gives you an idea of our range of activities. Let me say that they are wide and varied, and we would certainly be pleased to give you more details or to discuss any of those individually, should you wish.

Not the least of the reasons we have been able to achieve such a range of activity is our adopted role as a teaching DHC. Through our affiliation with the university, graduate students from medicine and health administration regularly rotate through council's offices. We are proud of our affiliations and we are also very proud of the students we have "produced." We frequently have students in from Carleton University's school of social work and from the faculty of medicine in the University of Toronto.

Finally, to the credit of our executive director, in spite of all the work that has been on our plates, our council has been able to maintain an international network of contacts for information exchange. One overseas government, for example, has recently approached us for staff exchange, which is another example of the maturity of DHCs in Ontario on the whole.

I might also say that the council for a number of years has been engaged in priority setting in our community. We have had a priorities committee. This committee for years was the only DHC that set comprehensive priorities in the region. We are very proud of our experience in doing this and the ability that we have developed as well to undertake such an exercise.

I think, Mr Chairman, I will stop at this point and simply open to you for questions.

Mr Grandmaitre: First, let me congratulate you on your election. I find it very strange, being an elected person, that you are not being paid. Everybody else is.

I realize that your council plays an advisory role to the ministry or the minister, but in 1989 you were given additional responsibilities. I was very pleased to see that more responsibilities were given to DHCs, for the simple reason that some of your people, in not only Ottawa-Carleton but most DHCs, felt they could play a bigger role in the decision-making process, additional responsibilities such as to provide advice to the ministry on the allocation of funds, to provide advice on human resource requirements, to provide advice on how to strengthen area-wide planning, to provide advice on how to integrate health and social services planning.

Maybe my question should be directed to the executive director, because he has been around for a number of years. I would like to ask you how those additional responsibilities change your role in Ottawa-Carleton. Do you feel you are more effective now than you were back in 1988 before the additional responsibilities?

Mr Warren: I am pleased to respond to that. Alan Warren speaking.

The switch cannot be turned in changing the role of the district health council. We have been evolving in a direction

of those four areas of announcement for some years. From the point of view of fiscal allocation, for years, as our chairman has just mentioned, we have been doing priority setting, priority ranking, in a very comprehensive way.

We have moved gradually over the years from a situation where we did not know whether there would be any money at the end of this priority exercise to a situation two or three years ago when for the first time we were told in advance there would be an allocation of so many hundreds of thousands of dollars to our region. This makes priority setting and allocation of funding very much more understandable and reasonable. So we have already been moving quietly in a direction of fiscal allocation.

What I think we face in the future is the problem, the challenge, of fiscal reallocation. This is where the real challenge will come, because implied in that is the authority to recommend taking away something. You cannot do that unless you are really on top of program evaluation. You have to be able to know what you are doing in evaluating existing processes, procedures and policies. We are moving in that direction, but we are doing so with extreme caution. Fiscal allocation, yes, we have been edging in that direction for some time.

Manpower planning, human resource planning, is another area. We have been moving in that direction for many years, especially around the delivery of French-language services. We had to do a comprehensive review of human resource availability when we were looking at the distribution and availability of French-language services. Equally, when we have been planning, for example, the geriatric program in the past we have had to take into account the human resources necessary. So there was an element of human resource planning in our work at that time.

1050

What I think is implied in the future for human resource planning is this issue of distribution, shortfalls in certain skills and categories and perhaps the problem of surpluses in certain skills and disciplines. I think health councils will not be able to move very far down the road until the provincial government itself can establish some guidelines for allocation of human resources per population unit or per geographic area. But there is some experience there.

There are two areas of enhancement that we have really made progress in and have been making this progress in anticipation of that 1989 announcement. One is area-wide planning. We have been working with our neighbouring DHCs for years, and this has been intensifying. In fact, we have had a void to the west of us in Ottawa-Carleton in that Renfrew has not had a district health council. We have had to make some contacts with various people in Renfrew in order to effect some degree of area planning.

The challenge we face in broadening area planning is that DHCs depend very much on volunteers. Volunteers do much of the work and they make the decisions. They may be guided and provided with information by staff, but it is the volunteers who come together. As I have mentioned to other people in Ottawa, it is one thing to ask a group of volunteers to come to our offices for a two-hour meeting at 4:30 or 5 o'clock in the afternoon and then go home to a late supper. If you ask them to travel to Kingston for an

area meeting, which involves two hours of travel, plus the meeting, plus another two hours of return travel, then there is some hesitation. Not only is there an additional imposition on the volunteers, there is of course a cost factor, because we have to reimburse their mileage or their transportation costs.

The fourth area I would touch upon, because I think we have made more progress in this over the years than anywhere else, is working with the social field. We have had an excellent relationship with our area office of the Ministry of Community and Social Services over the years. We have had a number of projects jointly organized and funded between the Ministry of Community and Social Services and the Ministry of Health, and the scene has been particularly productive. It has been demanding, but it has been productive. This is another way in which we work with our municipality, because regional social services are also very strong.

The Chair: I do not want to offend Mr Grandmaitre or you, but I urge you to be as concise as possible, because we have a limited amount of time here and I know a lot of members have questions to ask.

Mr Grandmaitre: I realize you are only an advisory body and you can only recommend. We have had people sit in the chairs you are occupying this morning saying: "Yes, I'm a member of a DHC, but our recommendations are null and void. We write reports but we never get an answer from the minister or the ministry." What is your relationship with the ministry or the minister? Do you think you are wasting your time, that your recommendations are not listened to? What are your feelings on that?

Ms Heidemann: Perhaps I will start and the others can comment. I think we have enjoyed a very good relationship with several ministries in my experience on the council. Sometimes we are frustrated because we do not hear comments or get notification of things as quickly as we would like, but I think we recognize there are also difficulties within the ministry.

Certainly with the change of ministers, we readily acknowledge things are going to be held up longer than normal. On the whole, I think we have found our communications with the ministry to be reasonably good. That does not mean we would not wish for a perfect world, but I think we are realistic enough to know we probably cannot expect that.

It has also been a problem for us sometimes that the response time we are given as desired by the ministry is somewhat difficult to live with. Sometimes answers are wanted yesterday, and when you are dealing with volunteers and rather complicated committee structures, it is very hard to give what we consider to be good feedback and advice to the ministry when we have very strict and very quick deadlines. I do not know if Sue or Alan would like to add something.

Ms Carroll-Thomas: Speaking personally and for some of the other council members, I think there is a major frustration when you are asked, "We need this report yesterday." We turn ourselves inside out to achieve that, and then we do not hear anything for months and months and months. That particular scenario is very difficult to live with. The next request that comes along for a really urgent response is viewed with less favour, shall we say.

Mr Grandmaitre: One quick last question, again addressed to the executive director. How come, Alan, we cannot find a long-term psychiatric bed in the Ottawa-Carleton area?

Mr Warren: As you know, there are no long-term psychiatric beds in Ottawa. We had a number of studies over the years around this. Our resource is something like 110 or 120 kilometres away in Brockville. We had an international expert in psychogeriatrics come to advise us on one occasion, and he said, "You have to be the only major city in the world outside of Albania without long-stay psychiatric beds." The truth is, it is very difficult at any time to take away from one community a resource which provides a number of jobs and then place it in another.

Mr Grandmaitre: Is that the real reason?

Mr Warren: This is the reason that has been explained to me over the years, by people in your own position in fact, sir. We have offered a number of alternatives. With the ministry's approval for example, we set up about 34 intermediate-stay beds some years ago, but these are not the same as long-stay beds. There has recently been a project going, as I am sure you know, to see how a long-stay psychiatric unit in the French language could be established. That is virtually complete and should be before the ministry shortly. But we are perhaps quite unique in Canada in not having long-stay psychiatric beds.

Mr Grandmaitre: When was the last time you had a meeting with the ministry related to long-term psychiatric beds? When was the last time you spoke with the minister?

Mr Warren: Probably it was two or three years ago, except through the medium of this particular study which is going on. Remember, this is focused on French-language services.

Mr McLean: You mentioned in your opening remarks about the program evaluations. Have you had any program you have initiated and approved in your local district health council that has been forwarded to the minister and the minister has accepted your recommendation?

Ms Heidemann: Yes, we have had many. Would you like the specifics?

Mr McLean: No, I am just curious, because I know the Simcoe County District Health Council has made a recommendation to proceed with the new Royal Victoria Hospital. The ministers have made announcements over the years. There are more sod-turnings than you could shake a stick at, but nothing has ever happened. I am wondering, have you in your area made some recommendations of that type to the minister that have been proceeded with?

Ms Heidemann: Yes, our most recent example of this is the rebuilding of the Perley Hospital, which is a chronic care hospital in Ottawa. The Perley Hospital will be rebuilt as a long-term care centre and will incorporate the Department of Veterans Affairs' Rideau Veterans Home. The two will be combined on a single site in a new building.

Mr McLean: Has that been started?

Ms Heidemann: Yes.

Mr McLean: The other question I have is on some of the cutbacks that have taken place now in the ministry.

Have you been asked for your input with regard to where you can cut in that area?

Ms Heidemann: In which area?

Mr McLean: In hospital beds or facilities' expenses.

1100

Ms Heidemann: Oh, yes. Our most recent example of this is when we were asked this year to review the deficits of some of the hospitals in our area in an effort to assess the impact of their recovery plans on the region.

Mr McLean: Are you making recommendations in that line of how they can cut back?

Ms Heidemann: They came to us with recommendations. We reviewed the recommendations with regard to their impact on services in the region and on services to our population.

Mr McLean: Is the public having any input into what they are asking for other than your district health council? Are you making it public that you have been asked to look into the feasibility of cutbacks?

Ms Heidemann: I suppose the answer would be that our meetings are public. Certainly this is all discussed publicly with no attempt to keep it behind doors. Perhaps Mr Warren would like to amplify.

Mr Frankford: I would just like to elaborate on something in your presentation. You said the ministry offered the region some acute hospital beds and you were able to persuade them to set up some ambulatory care centres.

Ms Heidemann: That is correct.

Mr Frankford: Could you elaborate on what these ambulatory care centres are?

Ms Heidemann: In Ottawa our population is growing on the east end of our city and on the far west end of our city. In terms of population bases, in the past the population would justify the building of a new hospital. When we began to discuss a new hospital versus no new hospital, what we decided with these communities, and certainly their input was paramount in these decisions, was that we would try to do something new in an effort to control the number of beds within our community.

The starting point was for ambulatory care facilities that would service the immediate needs of those populations, and then we would begin to watch whether we needed a hospital there at all or whether the hospital services needed by these communities could be obtained from the existing pool of hospital services. Both the communities are planning slightly different ranges of service based on what their populations feel they need. At the moment, we are hoping to avoid beds.

Mr Frankford: I got the impression you said the ministry had actually offered 80 beds and you had persuaded it to reallocate to ambulatory care.

Ms Heidemann: That is correct. They reallocated the money for 80 beds to get the ambulatory care centres planned and into operation.

Mr Frankford: When you say "ambulatory care," do you mean doing things such as surgery for instance—secondary care I think one might call it—on an outpatient

basis, or are you talking about moving to a primary care approach?

Ms Heidemann: It is primary care primarily, but it could do some of the outpatient surgery that could be done, say, without an inpatient stay.

Mr Frankford: But are these ambulatory care centres spinoffs of the existing hospitals, or are you talking about community health centres?

Ms Heidemann: No. Existing hospitals are involved in helping to plan them, but they are entities and corporations, at least the one that has been incorporated so far, in and of themselves.

Mr Frankford: Are they community health centres or not?

Ms Heidemann: This is a difficult distinction.

Mr Warren: One is heading towards what was described last year as a comprehensive health organization.

Mr Frankford: Is this the Orleans one?

Mr Warren: Yes, the Orleans one. That is the one that has involved major community input. We are delighted with it. It will probably provide ambulatory care.

Mr Frankford: I am sorry. I do not get the connection. If I understood right, you initially said you had hospital bed money which was reallocated. Are you saying you can create a comprehensive health organization out of that revenue?

Mr Warren: Let's put it in simple terms. The cost of 80 beds in terms of capital investment and operating costs was calculated by the ministry. They said, "Instead of setting up those 80 beds, you can have for allocation to these new centres this amount of money." It was about \$8 million in capital funds and so much in terms of operating funds. These are not operational yet. They are still in the detailed planning stage.

Mr Frankford: Okay, so one is the Orleans CHO. What is the other one?

Mr Warren: The other one is going to be a network of probably three small centres.

Mr Frankford: Three new centres or existing centres?

Mr Warren: One certainly is an existing centre; possibly two new ones.

Mr Frankford: Which one is that?

Mr Warren: One is the existing resource centre.

Mr Frankford: Not an existing CHC?

Mr Warren: No. The west project is most like a CHC. It will be fragmented.

Ms Heidemann: I think we are hesitant to use the labels because we are not quite sure at the moment how the planning is going to end up, but at least the Orleans centre will resemble a community health centre.

Mr Frankford: I must say, from your initial presentation I did not gather at all what had been planned. You gave the impression that this was a reallocation which would allow the services that were to be done in those hospital beds to be done on an ambulatory basis.

Ms Heidemann: I am sorry if I gave an erroneous impression. I think what the money is being used for is to

provide the services the community feels are most important done on a primary care basis, and perhaps bridging some of the secondary care that does not need beds to be done.

Mr Frankford: It sounds as though there is not sort of one philosophical approach, but would you see an expansion of primary care having the potential of saving inpatient costs?

Ms Carroll-Thomas: I think what you see in this re-allocation funding is a long-standing recognition by this council that not all health care has to be tied to a hospital bed. A long time ago we recognized the need to move to community-based services, to community-focused services, to services that meet the needs of a given community, hence moving away from the traditional care delivery models into something that is very different.

We do not have two that are the same, one at each end of the city, because our communities are very different and they are evolving under community direction. Our expectation is more efficient delivery of service closer to the homes of the people who need that service, utilizing our specialized institutional-based resources where they should be used, not being used by default.

Mr Frankford: You have got at least four CHCs in Ottawa.

Mr Warren: Six.

Mr Frankford: Does that include the Ste-Anne's centre?

Mr Warren: That ranks as a health service organization, but it is very similar.

Mr Frankford: It is also a non-profit health centre, so there are really seven. Are you taking an active role in encouraging this or do you just respond to proposals?

Ms Carroll-Thomas: This has been a problem for us in that this does not actually fall within our mandate. If people come to us and ask what we think, we will make and we have made comments and suggestions, but we cannot say, "You must come to us." It has been one of those cracks in the system that has created something of a dilemma for us in terms of rationalizing where these things are located.

Mr Frankford: Yes, but you give your blessing to CHC proposals when they come up?

Ms Carroll-Thomas: When they come up, yes.

Mr Jackson: There are only a couple of areas I wanted to get into, if time will allow us. First of all, the regional long-term care coordinating boards that are being developed for geriatric care, for long-term care, and there is an operational one in Ottawa, to what extent are you linked with them at all? I know what phase they are in currently, but eventually within 18 months they will have a proper full-flight board and they will be advising several ministries on geriatric care, long-term care in the community. What is the current nature of your dialogue with them?

Ms Heidemann: Certainly we have established liaison with the long-term care manager who has been appointed for our area. Alan, would you like to discuss some of the specifics of that?

Mr Warren: Yes. I will try to be concise. We have worked closely with the designated area manager. It so happens that prior to him taking that position, he was area manager of MCSS. We had continuity and we knew each other. It was a good basis for cooperation. We have years of experience in long-term care planning. Naturally, when the new office was established with a role to plan as well as to manage, we were concerned about the overlap. We discussed it frankly and we intend to cooperate. That is welcome on the other side.

1110

Mr Jackson: You are having no difficulty with their having primacy in this area?

Mr Warren: We are not having any difficulty at all.

Mr Jackson: Are you planning to reduce any of your activities in this area?

Mr Warren: We have offered our long-term care committee to the office as a resource.

Mr Jackson: I do not notice a long-term care committee on our researcher's material.

Mr Warren: We call it the continuing care board. It is the same thing.

Mr Jackson: On that, can I ask you about your involvement with the Perley issue? Everybody supports certain elements of the Perley controversy. Did you support the reclassification of the institution and the beds?

Ms Heidemann: In terms of the long-term care reform?

Mr Jackson: Shifting them from a health facility to a long-term care facility under MCSS.

Ms Heidemann: We of course have been involved in the planning of this from the start. Mr Warren has been intimately involved with the planning and continues to be so. Our difficulty was that the Perley was allowed to go a fair distance down the road under one understanding and then the rules of the game changed with the long-term care reform, which necessitated moving back to square one.

Mr Jackson: I understand. What I am trying to get at is your relationship to those groups that have met and advised and taken positions on the matter. I am trying to get a clearer understanding. The Perley has its own board. It deals directly with the government. With regard to the nature of your participation as a district health council, were you sort of on the sidelines offering suggestions or were you part of a Perley-based advisory group? Was the DHC called in to participate? It is not a DHC function? That is what I am trying to get at. I am trying to understand your relationship and who had primacy in terms of the development in the talks here.

Ms Heidemann: I think Mr Warren is the best one to comment because he has been the person who has been most involved with this.

Mr Warren: It was an unusual project in that the hospital did not provide the steering committee for this project at this stage. The area manager of long-term care was named the chairman of the steering committee and I was named vice-chairman. This was accepted by the board of the Perley, which I think is a good reflection of the relationship

we have had with the Perley board over the years. We have moved forward on that basis.

Of all the chronic hospitals we know of in the province, the Perley is probably most like the concept of a long-term care centre as we understand it for the future. In other words, it is not a highly specialized centre. It is very much an enriched residential care kind of centre. It has very few programs. So the transition is perhaps less difficult for the Perley than it would be for some other chronic care hospitals.

Mr Jackson: That is a fair statement to make.

Mr Warren: There are, however, some areas where work still has to be done. We are still concerned about the food service, we are still concerned about the pharmacy service and there are issues around human resource management which the Perley board is still studying.

Mr Jackson: I do not want to dwell too long on that. I did want to advise you that if you could get me a copy of your mental health study, I would be very interested in reading that. We have a controversy in my DHC in Halton on this area and I am trying to acquire other boards' treatments of these matters.

We are throwing around the words "reallocation of beds." Let's not kid each other. We had a massive acute and chronic care bed announcement in this province that disappeared on us, so you are reallocating phantom dollars and phantom budgets. I wanted it at least evolved in the discussion that not all those moneys are absolutely earmarked and promised as a straight walkover. Let's be fair here.

But I want to ask a question. You indicated that it was your long-standing belief that you should be moving towards more community-based care. Does that mean that when the government of the day announced the additional chronic and acute care beds in the community, you said you would rather not accept them but would move to more community-based, or were you publicly in support of taking those additional beds at the time? I want to understand exactly what you are saying to me.

Mr Warren: We were offered 360 new acute care beds. We were frankly astonished by this.

Mr Jackson: You were not consulted about it either.

Mr Warren: The figure was taken, I believe, from our long-range 1984 Vision of Care document where we said that by the end of the decade, all things being equal, with the population expansion going the way it was and aging, we would probably need 360 additional beds. When they were offered to us in 1986, we gulped. Then experience came back to us. It takes years and years to put these plans into effect, so we reckoned that by the time such beds were created, it would probably be close to the year 2000.

Mr Jackson: So you know that is a dead deal.

Mr Warren: In any event, not one bed has been or will be built.

Mr Jackson: Precisely. So we are not talking about reallocation. We are not talking about initiatives that are now formulated with a new policy direction. I am nervous when people start throwing around reallocation of moneys that were never meant to be spent or there to spend in the first place.

Mr Warren: The capital commitment that was made has been reconfirmed.

Mr Jackson: They have in all my hospitals too, but we have not seen a penny.

Mr Warren: That is right. It has not been taken away yet, but—I mean, it is still there on paper.

Mr Jackson: We have even had seven announcements for our hospital. So we are getting announcements to back up the fact that the money is still there, but we are just not getting it. Thank you. You have been very candid with your responses. I appreciate that.

Mr Wessinger: I would just like to go back to this ambulatory care proposal you have for your area. Somehow I am having trouble visualizing it exactly. Is this a new model, really, for Canada or for Ontario? Are there any existing models in Ontario that you are looking at?

Mr Callahan: Brampton.

Mr Warren: I think there are examples in New Brunswick which are very similar. There are examples in other provinces—I think in Alberta and Quebec. There is nothing revolutionary. If you would imagine a bedless hospital, that is probably the best way to think of it. It would have most of the outpatient services you would find in a simple general hospital, but it would simply not accept overnight stays. You can expect some day surgery and some diagnostic services.

Mr Wessinger: So basically you have an emergency department.

Mr Warren: I would not call it emergency, but urgent care, yes. Walk-in urgent care.

Mr Wessinger: You would be staffed similarly to a hospital, but it would not have the beds basically?

Mr Warren: There would be some similarities to a hospital outpatient department.

Mr Wessinger: You would have specialists there who are on call?

Mr Warren: There would be a very heavy emphasis on primary care, and under the one roof we would hope to see bases for home care community services and social services. To that extent, these would be different.

Mr Jackson: And day care?

Mr Warren: And day care, of course.

Mr Wessinger: Right. Thank you. That gives me a clearer indication. I was having difficulty visualizing exactly what was proposed.

You indicate you had a very low utilization rate in your area. Is that based on a case management basis or on a pure beds per population basis?

Mr Warren: Do you wish me to answer that one?

Mr Wessinger: Yes.

Mr Warren: It is a long story, and to keep this short—

Mr Wessinger: No, go ahead. I would like to do that right.

Mr Warren: We have a growing population in Ottawa-Carleton. It has been expanding at a rate of about 1% to 1.2% per year over the past decade. We have also shared

our hospital resources with people from western Quebec. That utilization from western Quebec has been steadily diminishing over the years, thus releasing beds for Ottawa citizens and Ontario citizens generally.

What has happened over the last eight or nine years is a growing influx of patients from eastern Ontario generally. This has in effect given us a sustained referral population of considerable numbers, considerably more than the people who are actually resident in Ottawa-Carleton, and has led to an allocation index much lower than the province has previously recommended as a guideline. We are running well below 3 beds per 1000, whereas the provincial guideline until recently was 3.5.

We have not worried unduly about this because we believe we could manage on fewer acute care beds. We have demonstrated it through an experience some years ago when there was a strike in western Quebec and the patients fled across. The effect was to diminish that index for Ontario citizens to a remarkable degree, and we coped. That being so, we argued from that point on that we could manage for the future with fewer acute care beds.

Of course, we were looking overseas to see what other people were doing too, and the allocation of acute care beds in Canada generally has been very generous by international standards, except perhaps for Japan, which is a very strange case, but I will not get into that and take your time.

1120

Mr Wessinger: Basically you can work well within the range of three beds per 1,000.

Mr Warren: Much less.

Mr Wessinger: Much less than that.

Mr Jackson: Do you want to go on record with that?

Ms Carroll-Thomas: We have.

Mr Wessinger: Could I just go to the next question concerning long-term care beds. Do you foresee a shortage of long-term care beds in your area?

Mr Warren: We have difficulties now, but perhaps Sue should speak to this. She is more expert than I.

Ms Carroll-Thomas: Currently, if you are awaiting placement for long-term care in an acute care bed, if you are female, it is probably two years.

Mr Wessinger: A two-year waiting period.

Ms Carroll-Thomas: That is not cost-effective to anybody's system.

Mr Jackson: How many bed blockers do you have?

Mr Warren: One hundred and seventy.

Ms Carroll-Thomas: It is a significant percentage in our acute care system, and it just raises the issue again of the importance of having a system where there is continuity of care. It is a continuum of care. You cannot talk about acute care and you cannot talk about long-term care. You have to look at the integration of these two, and we have attempted to do that. Long-term care is a problem for us, and it is a growing problem as our population ages.

Ms Heidemann: This brings us back a bit to some of the concerns we have over the long-term care reform and how that is being implemented, because we would not like

to see that there is an attempt to separate the long-term care sector from the rest of the health care system. It would have dire consequences for us.

Mr Jackson: An announcement is to be made this afternoon on the major changes to the Ministry of Community and Social Services with the lead ministry.

Ms Carroll-Thomas: There is one other interjection, if I may, with regard to acute care beds and their relationship to community-based care. As we are all aware, there is a strong push towards community-based care and we are strongly committed to it. However, it must not be done at the cost of the necessary institutional care. We are operating very efficiently already and we have to be careful we do not drop below an acceptable level. People still get sick.

Mr Callahan: I gather you had a project ongoing that has not hit the ground, with the ambulatory care and day surgery and so on in Ottawa. Is that right?

Mr Warren: This is right.

Mr Callahan: How far did you get with that?

Mr Warren: It is in detailed planning at the present time.

Mr Callahan: Did you have a model made of it?

Mr Warren: A physical model?

Mr Callahan: Yes.

Mr Warren: There is a program. I suspect there could easily be a model, but I have not seen it. They are hoping to break ground this year.

Mr Callahan: Has that been given approval by the ministry?

Mr Warren: To this stage, yes.

Mr Callahan: I represent Brampton South, and in 1977 and 1981, I guess, I was urging that type of facility for 46 acres of land that we have owned for about 20 years in Brampton. We have gotten to the stage just maybe one behind you, and suddenly the minister is telling me it is not going to happen, which I find absolutely outrageous. If I were a district health council member, I would quit after that.

Do you find it frustrating? I mean, the purpose of the district health councils was to advise the minister in terms of need and to seek approval of projects before they went ahead. Do you find that need is still being fulfilled or do you think district health councils have become like the dinosaurs?

Ms Heidemann: No. I think, Mr Callahan, we are certainly still advising the minister to the best of our ability. I think we still believe in the process. Certainly we get frustrated when some of our efforts do not have the results quite as quickly or at all as we would wish, but I think at the same time we are also all taxpayers in the province of Ontario and we have to recognize the fiscal situation. Although we may be frustrated, I do not think it deters us.

Mr Callahan: You are not dinosaurs yet.

Ms Heidemann: We have not seen any mass resignations from our council and we are still able to get new members.

Mr Callahan: The other question is, does Ottawa experience the same difficulty we do in my riding where we have

somewhere between 45 to 60 people who are occupying acute care beds who are really chronic care patients?

Ms Heidemann: Yes, we do.

Mr Callahan: So I suppose when you are talking about the bed count and the adequacy of beds, if something was done about the long-term care situation, that would certainly put into the process a lot more beds. Are you considering that when you say you are satisfied with the bed ratio now?

Ms Heidemann: I think we are satisfied that we can meet the acute care needs within the complement of acute care beds that we have. The problem is that the acute care beds are not always available for acute care people. If on any given day we could stop the system and take all those who are occupying beds they need not occupy and put them into places where they would be appropriately cared for, I think our system within Ottawa-Carleton would work reasonably well.

Mr Callahan: Would be comfortable?

Ms Heidemann: That is the dream.

Mr Callahan: Finally, I know in my riding—I hate to keep harping on my riding, but it is the best in the province.

Mr Grandmaitre: Is this a paid commercial?

Mr Jackson: The problem is, the Minister of Health does not listen.

Mr Callahan: They were listening up until about a year and a half ago. We have a facility there that was looked at by one Minister of Health back about three ministers of health ago, I guess, who thought it was absolutely superb. It is called Holland Christian Homes. It is a three-part complex. They live in an apartment and they perhaps can take meals if they require them in the centre building. Interestingly enough, they are called Faith, Hope and Charity, which we may need a lot of to get through this time. They are able to take a meal if they need to do so. They then can move on to a little more help, and finally to the chronic care component.

The beauty of it, particularly in a multicultural setting, is that I think it is extremely—what is the word I am looking for? It has got to be shocking for a person whose first language is not English to be moved from the apartment across the city to the seniors' home and then across the city again to the chronic care facility. We are probably killing them faster than we would if we had a facility such as this. Do you have anything like that in Ottawa?

Ms Heidemann: No. We had a plan for one that was being very seriously pursued in the community, but unfortunately the funding was not available to pursue it any further.

Mr Callahan: You did review it, though, as a DHC, did you?

Ms Heidemann: Yes.

Mr Callahan: Would you agree with me it maximized the use of the professionals and the facilities and the dollars spent? Was that the conclusion you came to?

Ms Heidemann: As a resource in our community, we felt it would be beneficial. We did not get to the point

where we could accurately judge the professional component that would have been there or the logistics of how people would have moved from one part of the facility to another.

Mr Callahan: Okay, thank you very much.

Mr Phillips: I have two questions. One is, we are going through a period of taking beds out of service, and I am trying to get an idea of where we can find out how many are actually still in service. I asked the Minister of Health for the numbers, and the Ministry of Health does not keep those numbers, which seems odd to me. I would have thought if there is a target, you say, "Listen, we need about three beds in this geographic region." Can you help us about where we could find those numbers? I guess the DHC here keeps those numbers, but the Ministry of Health does not keep the numbers.

1130

Mr Warren: May I take that one? We do it locally of course. In Ottawa we have a body called the Academy of Hospital Executives, and CEOs from all the hospitals meet on a monthly basis, and I join them at their meetings. I learn from them what they are about to do by way of data adjustments and report back to the health council. That is how we know.

We also have two committees working in Ottawa under our auspices, but they are hospital people. One is a group from the acute hospitals and another is a group from chronic hospitals and they are analysing utilization: what is going on; who comes in; how long they stay; what is done to them, and is there time wasted at the beginning or at the end of the process. This information feedback is very useful to us and to the hospitals. That is how we keep in touch and maintain the up-to-date figures. It is very difficult to get these up-to-date figures from the ministry. We know that.

Mr Phillips: In terms of managing the system, somebody should have an idea if there is a right number to the best of one's knowledge. It is difficult to know when you have reached the right number if you do not know what the number is. This lack of information in other areas is really perplexing me. I would like that number. You are saying some district health councils might have those numbers.

Ms Heidemann: We certainly feel we have to have these numbers to do our jobs so we generate what we need locally.

Mr Phillips: Can the Ministry of Health do its job without the numbers? I would have thought it might need the numbers too.

Mr Warren: The ministry has an enormous amount of data, but it is usually some months old, and in a changing situation you simply have to be in touch with the individual institution because somebody might just close out 20 beds as a matter of expediency almost without telling anybody.

Mr Phillips: Hospitals can close beds without ministry approval, I gather?

Mr Warren: They are supposed to have ministry approval, but—

Mr Phillips: That is very interesting, thank you. I think most of us are counting on community-based care as one of the ways we are going to work our way through the health care. Does your district health council have the judgement on whether the system is moving quickly enough to that or too quickly?

I think there is some perception, if you go back to the psychiatric situation of 10 years ago, one has to be careful of saying we are moving to community-based care but not providing the resources in the community to actually make it operational. For us here it is difficult to get a sense of that. I would like a comment from the district health council on the speed it is happening and whether the resources are moving into place in the community that will permit—whatever you want to call it—more emphasis on community and less on institutions.

Ms Heidemann: Perhaps I will start. From our vantage point we certainly believe we are moving towards more community care, and as a health council we are certainly encouraging it.

I think part of this move is facilitated by the fact that we have some technologies that allow us to do things now in the community which we would not have been able to do 10 years ago, so there is a certain degree of technological development assisting us. There is also a move to put more resources into the community, but the situation is that there is only so much money. In order to put it into the community you have to take from somewhere else and the taking perhaps cannot be done all at one time to actually make a move overnight. We are in a period when we are going to see a gradual shift in funding to more community funding. I do not think we are there yet.

As well, we have a problem in that we do not always know the effect of doing care in the community. We do not know, for example, whether it will result in quality care in many instances. We also do not know the costs because we do not have the experience. There is a school of thought that says it may be equally as expensive to do good care in the community as it is in a hospital or a long-term care setting, so there are a lot of unknowns here. From our point of view, it is moving in that direction and that is what we are encouraging.

Ms Carroll-Thomas: There is a large concern about the kinds of skills you need in professionals working in communities. They are not transferable from institutions. It is a different kind of health care professional by and large who works in the community, but a lot of them do not exist now and will require training. When you move people out into community settings, it usually means relative isolation for those individuals. They no longer have that peer group an institution would provide to them, hence our concerns about it. Will quality care suffer as a result? There are so many unknowns that I for one am very nervous about.

Mr Phillips: My own judgement, and you are experts, is that it will require some new management systems almost. The expression I use, I think I coined it even, is we have opened almost 10 million new hospital beds in the province. We are going to have to, using resources like yourselves, make sure we manage it, and I would appreciate

any suggestions you might have for us. Historically the system has been managed in a rather crude way, which is beds to a very large extent. I mean, that has been one of the management tools. Have you any advice for us in terms of how we deal with the management of them?

Ms Heidemann: I will offer it from my personal point of view. I think that, first and foremost, we have to encourage the system to operate as a system and not as individual parts. There really has to be a lot of linkage so that when a person requires one part of the system for care and then moves to another part of the system for care, we can actually find out what is happening to that person. Right now, because data are not linked, it is very difficult for us to do that and we have to depend on the goodwill and the competence of the professionals involved to do this. The system breaks down.

The second thing that is certainly a problem is that we do not yet have good evaluation tools to talk about the efficacy of care, so we do not know, for example, what we can do effectively in the community as opposed to what we can do effectively in institutions. We do not even know at the moment with any degree of confidence what the efficacy of a lot of things that we do in the institution is, so we are going to have to turn our attention to that.

Certainly what has to disappear from the system is the fact that if one is in the system as a provider or as a patient, you have blinkers on which say, "Now I am in this part and this part does only this." There is going to be much more blurring of what goes on across the system. It is important for us all to begin to talk about that and to figure out how we are going to cope with it and change our behaviour in order to be able to operate in that kind of system.

Ms Carroll-Thomas: It is the whole issue of continuity of care. It keeps coming back to that question, and you have to guarantee that takes place.

Mr Phillips: I have more questions, but if other members have, I will pass.

The Chair: I know I have and Dr Frankford has as well, so perhaps we can come back to you. I want to ask a few brief questions with respect to a matter that falls within your specific responsibilities raised by Mr Grandmaître, and that is the psychiatric bed situation.

As you know, I am impacted by some of the recommendations your health council is making in my own riding. Mr Warren suggested that the study that was recently undertaken, and I gather completed now—I was given a copy of it last week by representatives of the union, not by the health council or the administration of the hospital but by the union, and I have not really had a chance to take a look at it.

What the union communicated to me was that it dealt with much more than beds for Franco-Ontarians. It was the whole gamut, if you will, and the recommendations dealt with psychogeriatric beds, rehabilitation beds and another category, and if indeed those beds were relocated, it would have the impact of making the Brockville Psychiatric Hospital a ghost town with only essentially a 40-bed forensic unit.

Mr Grandmaître suggested that is the effect on the community. Is that the only reason? The Brockville hospital is the major employer in the region, so the adoption of the

recommendations this study apparently is making would have a devastating effect on the community socio-economically, I guess.

From my perspective obviously, representing that area, those are the kinds of questions that also should be taken into consideration when you carry out this kind of study. I would like to hear your views.

1140

Mr Warren: It is really for that reason that every time this question has come up over probably the last 15 years—it has been going on for longer than that—the issue of this major transfer of resource and the loss of all those jobs in one locality was a serious matter for any government. We were told quite bluntly about 8 or 10 years ago, "Don't touch it, because it's simply not acceptable," being absolutely candid about it.

The fact is that as a result of that we are misusing our acute psychiatric beds in Ottawa-Carleton. A number of devices have been used over the years to try to improve the situation. I mentioned the intermediate-stay beds, which were a stopgap. It helped a bit; it did not solve the whole problem. There is no doubt patients and families suffer a good deal of inconvenience having to travel I think 110 kilometres for treatment or for visiting.

The Chair: I guess I do not have a lot of sympathy with that.

Mr Warren: I have not seen the final version of the new report.

The Chair: You talk about the city of Toronto, for example. Driving across the city of Toronto can take you a significant period of time. They are four-laning Highway 416, which would put the outreaches of Ottawa within easy reach of Brockville with probably a 45-minute drive. I do not see that as a terrible strain or burden to place on anyone.

Mr Warren: Unfortunately, people who are living in Ottawa who get everywhere in 10 or 15 minutes feel that is an imposition. Everything is relative.

The Chair: If you balance off that imposition against the devastating impact on the community of Brockville and surrounding regions, I think it does not make much sense certainly to those of us who are going to be impacted by that kind of decision. I just wanted to make you aware of those views.

Mr Frankford: There are other models of district health councils or possible refinements of the existing ones. I wonder if you have looked across the river to the Quebec situation. I do not know it in detail, but I think it is fair that there is more regional management of funds and implementation of programs and more consistent regionalized spaces across the province. Do you feel we have something to learn from there?

Ms Heidemann: I think the Quebec system certainly has things to teach us if we want to learn about what to do with funds that are dispensed locally. Certainly within our council we have talked about this. I do not think it is any secret that as the role of the district health councils was being explored recently the potential for regional or district allocation of funds was certainly discussed. I think our

council would recognize that if this were to be our mandate, we would probably have to restructure how we do things. We would probably have to begin to attract different kinds of people to the council.

I certainly did not sense that we would say no, we do not believe this is something we want to do. I think at the moment, given our present structure and the way we do business, we would be reluctant to tackle it.

Mr Warren: We are working at the moment with the local office of the Ministry of Community and Social Services, with the region and with the United Way, looking at a way to plan social services and trying to come up with a model to see how we can better integrate the planning of health and social services. The Quebec model has in fact emerged as an alternative. We were looking at that only last week, so I feel quite familiar with it at the present time.

Coincidentally, I had a call from the regional office of our sister council with which we work across the river, because we are exchanging information all the time. The council of health and social services is indeed a very influential body in western Quebec. They asked me how many staff I had, and I said nine and a half. They laughed. I asked how many they had. They said 87. It is a different kind of organization by far, and very authoritative.

Mr Frankford: Those are direct employees of the province?

Mr Warren: Yes, they are indeed.

Ms Heidemann: If you would like to recommend that we have about 80 more staff, we would be pleased to look at doing that.

Mr Warren: Jobs, jobs, jobs.

Mr Frankford: Conversely, do the Quebec people feel they have things to learn from you?

Mr Warren: They seem to envy our comparative freedom. They have an operations manual emanating from Quebec City which is very detailed. They feel we can take planning initiatives they cannot take, for example. That does not mean to say we can carry them through to implementation, but we can throw out ideas.

Mr McLean: Could you explain to us why your rent has gone up some substantial amount? It is now about \$90,000 a year. If you have nine and a half employees, what have you got for accommodation?

Ms Heidemann: A modest accommodation, I can assure you.

Mr McLean: At \$90,000 rent a year?

Mr Warren: It is not the cheapest of accommodation, but it is certainly not the most expensive. When we signed the lease, it was a 10-year lease and there was provision in that for an adjustment at the midway point. That is what you have picked up in looking at the figures. There has been that midspan adjustment. The lease also entitles the landlord to recover increases in utility costs and taxes.

Mr McLean: How many square feet do you have? What is it, a whole building?

Mr Warren: It is about 3,000 square feet. Part of our premises are actually sublet to our placement coordination service. It is not all health council.

Mr McLean: Is there no cheaper rent around, or more reasonable rent?

I cannot believe paying \$90,000 a year rent.

Ms Heidemann: I can assure Mr McLean that we are not in the high-rent district of Ottawa. We are on the fringes.

Mr Warren: And the roof leaks.

The Chair: How long is your lease?

Mr Warren: It is another four and a half years.

The Chair: They saw you coming.

Mr McLean: Who is the landlord?

Mr Warren: Belcourt.

Mr McLean: Is that a development firm?

Mr Warren: It is a development firm, yes.

Mr McLean: I hope the owners were never on your district health council.

Mr Phillips: One of the challenges of broadening the definition of health, if you will, is that if it gets too big, the whole thing collapses. There is always that risk. What you just talked about with the Quebec counterpart is quite an expanded scope. Have you any advice for us on how to put a fence around health over the short term so we are not biting off more than we can chew in the health area? I mean, you can define health all the way to poverty and nutrition and all of those things, and the district health council handles all of that. You may find more than you got—

Ms Heidemann: Increasingly, what the health council is asked to deal with is getting broader and broader. Certainly in recent years the kinds of things that fall under the broad umbrella of health promotion have received more attention.

I do not know that I have any specific advice to you except to say that more and more the literature and society as a whole are defining health in much broader terms, so you get environmental, income or poverty level considerations being seen as the health domain. I do not have an answer. I think what we will be forced to do is to look at the major determinants to health and then decide how we are going to incorporate those. I think we all acknowledge now that sickness is not equivalent to health or lack of health; that is a much broader issue. Perhaps the other two would like to comment.

1150

Ms Carroll-Thomas: I do not think I have anything to add, except to emphasize that the scope is getting broader and it appears to be of necessity. The more we look at health promotion and prevention of illness, the broader the definition of health becomes.

Mr Warren: It becomes so enormous then in scope that you need to look at it in bite-sized pieces, perhaps on a regional basis.

Mr Phillips: You go back. You are going in circles.

Mr Warren: Back to devolution or decentralization, another topic altogether.

Mr Phillips: I smell it coming in five years or eight years.

Mr Jackson: Briefly, are you involved or are you re-defining your activities within your region to make presentations or to monitor those cuts that are being made by municipalities or regional governments that are health-related? For the first time in my lifetime I am hearing municipal politicians talking about cuts in homes for the aged beds. That is a shocking phenomenon. It is just a 10-day-old phenomenon.

To what extent are you responding to that? Because it is a new area of who is monitoring the politicians at the municipal level for making dramatic health care cuts in access points. This is going to be a new field for all of us. Have you discussed it? Are you going to be doing anything about it? Are you seeking representation on local budget committees? What are we doing?

Ms Heidemann: Perhaps I can start by telling you that we have had an instance of this in Ottawa-Carleton region recently. The region has always had a capital fund, but I guess in the last year or so with the municipal homes for the aged there has been incurred a tremendous deficit, so some of the money that was allocated for capital projects in fact has been transferred to supplement or to eliminate the deficits for the homes for the aged. I think what we are also seeing is increased pressure on the municipal budget to justify and to change their allocations of the funds that they have access to, so I suspect this is only the beginning of the kinds of things we are going to see.

We enjoy, as I said in my opening remarks, very good relationships with the region. We have three municipal councillors on our council and by and large they keep us very well apprised of what is going on within regional government. We can use them for input into the regional government or we can go directly, depending on the issue. That is decided on an ad hoc basis.

Mr Warren: Just to add to that, we always receive the agenda minutes of the social services committee, for example. We have an open invitation to go if we wish, so we do, I think, receive all the information. We are really very worried that the long-term care sector may become so constrained that it will spill back into the acute care sector. Inevitably if something goes seriously wrong, an older patient could end up in the emergency room, and then we have what you call the bed-blocker. This we cannot afford.

Mr Jackson: The point was raised about Quebec and its ratio. Perhaps a question I might have is more appropriately placed to the committee with respect to some look at the more radical changes that have occurred to the Quebec health care delivery system and the relationship it has with its DHCs. This is an area I would like to get some additional information on.

I was quite fascinated to hear these numbers, but I am aware of the differences in their health care delivery systems that are structural. They may have quite a different mandate for DHCs in Quebec and maybe we should have a quick look at that, because it might help guide this committee. I am trying to get it back to what our original purpose in looking at DHCs was for. That is just a comment to guide the committee and not necessarily to be placed as a question, because I know how difficult it would be to give a brief answer to that one. Thank you very much.

Mr McLean: Can I ask a further question, Mr Chairman?

The Chair: We will try the rotation. Does any other member have a brief question? No? Mr McLean.

Mr McLean: I just have a brief question. I figured out it must be in excess of \$30 a square foot that you are paying for your rental. I wonder if it would be possible for you to send us a copy of your lease so that when we make our report we can maybe make some recommendation. Would you be able to do that?

Mr Warren: Yes.

Mr McLean: Thank you.

Mr Warren: The base rate in the beginning was \$22. Of course, that is net, so there are taxes and utilities on that.

The Chair: No additional questions? Thank you very much. We appreciate your appearance here today.

Ms Heidemann: Thank you, Mr Chairman. We were delighted to be here and we hope we have provided the answers you are looking for.

The Chair: Thank you. We wish you well. We will take a break from our deliberations now. I want to remind the subcommittee members that we are going to be meeting here in five minutes to discuss the committee business and to review the appointments that were approved by cabinet. At 2 o'clock we are back here for a closed session. We will adjourn for lunch.

The committee adjourned at 1201.

CONTENTS

Thursday 16 January 1992

| | |
|--|--------------|
| Agency review | A-779 |
| Ottawa-Carleton Regional District Health Council | A-779 |
| Elma Heidemann, chair | |
| Allan Warren, executive director | |
| Susan Carroll-Thomas, chair, executive committee | |

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Monday 27 January 1992

Journal des débats (Hansard)

Le lundi 27 janvier 1992

Standing committee on government agencies

Appointments review

Comité permanent des organismes gouvernementaux

Révision des nominations



Chair: Robert W. Runciman
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Table of Contents

Table of Contents for proceedings reported in this issue appears at the back, together with a list of committee members and other members taking part.

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La table des matières des séances rapportées dans ce numéro se trouve à l'arrière de ce fascicule, ainsi qu'une liste des membres du comité et des autres députés ayant participé.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Monday 27 January 1992

The committee met at 1406 in committee room 2.

APPOINTMENTS REVIEW

Resuming consideration of intended appointments.

MICHAEL WOLFE

The Chair: We will come to order, please. Welcome back to another week at Queen's Park. The first matter we are going to be looking at today is the review of an intended appointee as a member of the Royal Victoria Hospital board of governors in Barrie, Mr Michael Wolfe. Mr Wolfe, would you like to come forward, please, and take a seat. Welcome to the committee. You have been selected for review by the government party. I usually give witnesses an opportunity for very brief opening comments, if you wish. If not, we will move right into questions.

Mr Wolfe: No, I have not got one.

The Chair: All right, fine.

Mr Frankford: Can you tell us why you want this appointment?

Mr Wolfe: A simple reason is that I was asked. Being somewhat flattered, I acceded to it. But on reflection I think, considering that I do have some interest in the health care area or more properly in the health area I felt that, perhaps with the other members of the board of the RVH, I might be able to make a contribution.

Mr Frankford: How much do you know about the hospital itself?

Mr Wolfe: Not that much. I find it a relatively closed institution. It does not make itself very public, and I think one has to go to considerable effort to in fact find out, which I have not done yet.

Mr Frankford: Do you live there?

Mr Wolfe: Yes, I do. I live in the city of Barrie.

Mr Frankford: Where is the hospital?

Mr Wolfe: The hospital is in the city of Barrie.

Mr Frankford: Okay, I was not clear on that. You are on the board of the community health centre?

Mr Wolfe: I am, yes.

Mr Frankford: Can you tell us how you see the health centre and the hospital working together?

Mr Wolfe: It has always been our anticipation with the health centre since we first began to think about it back in 1986-87 that it could be a very active liaison with the hospital. But, quite frankly, there was a certain amount of antipathy, to put it politely, between what the health centre felt it was up to and what some of the physicians in the hospital felt we should be doing, so that close connection between the hospital and the health centre I do not think has materialized yet. We are hopeful that in fact it will occur and that perhaps the hospital can be persuaded to

take a more preventive point of view, rather than its current stand of curative, but that is a long-term goal.

Mr Frankford: Presumably from this position as a member of the board, you would be able to—

Mr Wolfe: As one member of about 14 or 15, I gather, any input I may have could perhaps be marginal, but I will certainly make my efforts.

Mr Frankford: Do you think it is practical for hospitals to get into what I call preventive care?

Mr Wolfe: I suspect it would take a major shift of both emphasis and ideology to do it, and I am not sure they are inclined to do it. But I think it almost certainly has to be done within the next decade or so because I do not think we can continue in the health care field the way we seem to have gone in the last 10 or 15 years. It is almost a question of being forced into it by circumstances and not necessarily through choice.

Ms Carter: Given that hospitals are going to get less money in the future and not enough to keep up with what they see as being their growing expenses, how do you see them best adjusting to this situation? Do you think there are things they can cut out without causing a lot of problems with the public, or do you think this is going to have disastrous consequences? How do you see it fitting in with the long-term care objectives of moving more services into the community and out of the hospitals?

Mr Wolfe: I guess there are a few institutions, particularly public institutions, that do not always claim they need more resources. I happen to work for one, which is a community college. Again, I am not familiar with the direct operations of the hospitals, so I am a little loath to comment on what we might or might not do. But I suspect that there are always, at any stage, things that can be adjusted. There really are several stages in that process, as far as I am concerned. There is the reaction to the immediate so-called crisis of financing, which I hope would prompt the institutions—the hospital, in this case—to take a closer look at how they do what they do, just in terms of sheer efficiencies. But over a longer term, perhaps in the medium term, they have to look at the kinds of things they do. Maybe there are activities being performed within the hospital that might appropriately be performed elsewhere.

In the really long term, although I hope it is not too long, there should be a fundamental re-evaluation of the whole nature of catering to health or having a healthy population and a switch away from what is conventionally referred to as the disease mold, which I think we are currently in and have been in for quite some time. But that is not a five- or 10-year thing; that is a long way down the road. How that change is going to come about, I do not know.

Ms Carter: You said there may be some procedures carried out that might not be necessary with—

Mr Wolfe: Again, I am loath to comment on what the medical profession does or does not do. One reads that in fact there are a lot of procedures, if you are referring to operations of that type, which perhaps are of questionable—

Ms Carter: Or tests maybe.

Mr Wolfe: —or tests which are of questionable validity in terms of improving health, which is what we must keep in mind. That certainly would have to be looked at, but in the very short run, for instance in terms of the response to the crisis of 1992 and 1993, I suspect efficiencies are going to have to be looked for in terms of how they do what they currently do, regardless of whether what they do now is correct.

Mr White: I am quite intrigued with your presentation, sir. On the one hand you declare your innocence of any knowledge of these closed institutions; on the other hand you certainly indicate a very decided direction in terms of coordination, health promotion, resituating of certain services and, to some degree, a re-evaluation, especially in light of budgetary issues. I wonder, while being aware of your relative innocence in these issues, if you might give some suggestions from your experience with both the board of governors of Georgian College and the community health centre in terms of maintaining services or even diversifying services, without necessarily requiring huge inputs of additional cash.

Mr Wolfe: If I can work with the community health centre first, it is not old enough to have garnered any major inefficiencies and surplus activities around it. With respect to the college, over the years it certainly has had certain activities and done things certain ways that, if they were put under the microscope, could be improved. I am talking about that in terms of short-term response to the current budget crisis that these institutions have.

Again, I would be reluctant to say what the hospital should or should not do because I do not have a great deal of knowledge about what it actually does, except what one gleans from general reading and knowledge. I may find, were this appointment to be approved, that my perceptions were completely wrong, so I do not want to prejudge about what the course to go should be, but I do have a view that somehow the health care system has to change. I think that view is widely shared; it is not one that I alone have.

Mr White: I am also interested when you suggest that this particular hospital board is very much a closed institution. Your reference to the hospital system is one which is on a disease model, and perhaps some of the disease is caused by the entropy of being within a closed system.

Mr Wolfe: It could well be.

Mr White: Your direction, it seems, is very much to coordinate with other health care services and to differentiate services that are best offered elsewhere.

Mr Wolfe: I suspect there are many things that the Royal Victoria Hospital and other hospitals do which would be better done in other, non-institutional settings, things which tend to be very expensive. I think the Barrie

Community Health Centre has addressed some of the issues within Barrie, but it is one institution in a relatively large city. How much of a dent is made? I do not know; it is very hard to measure. But I suspect there are many things that are done within, as I say, a more institutional setting that could be done elsewhere without harming the services provided, and maybe, in fact, improving those services and doing them at a lower cost.

Mr White: When you are working with a closed institution and you have a certain direction in mind, I am sure you are going to run into a great number of frustrations.

Mr Wolfe: I would not doubt it. I am half expecting it, quite frankly.

The Chair: We have some additional time. Any other member of the government party? Mrs Sullivan, do you have some questions?

Mrs Sullivan: Yes, I do. Thank you, Mr Chairman.

Mr Wolfe, I am quite interested in some of the comments you have made so far, and I want to explore them sort of one by one by putting questions to you. First of all, could you advise the committee of the role and the activity of the Barrie Community Health Centre and how the centre was formed?

Mr Wolfe: The Barrie Community Health Centre actually started operation partly in January 1989, I think it was; I have lost track of time. It arose from a meeting of a very small number of people in the city of Barrie in mid-1986. I guess the final prod was the extra-billing dispute that occurred, I believe, in 1986. Several of us thought, "There's got to be a better way to do this." Extra billing was the final impetus. So it took three years to get it under way. I must say that it is a very laborious process and, frankly, anybody who is contemplating setting up such a health centre in our community should be well aware that it is tough. There are a lot of hurdles to get over, and it took the better part of three years to get it up and running.

But it is going now. It has a wide range of services that it provides to the community in one setting. In addition to the primary care, there are dietitians and physiotherapists, there is a social worker and so on. From speaking with a number of users of the centre, I think they are very happy with that kind of arrangement, where they are not shunted from one spot to another to receive a range of services.

I hope it is cost-effective. It is hard to measure whether it actually is. It is more or less an article of faith that it ought to be, and I hope it is. I assume that somebody in government will at some point take a closer look at those kind of institutions.

Mrs Sullivan: Is the Barrie Community Health Centre funded under the health service organization provisions of the government?

Mr Wolfe: It is funded on a lump sum basis. It is not a health service organization. That is a slightly different type of organization, as I understand it.

Mrs Sullivan: Is it funded on a capitation basis?

Mr Wolfe: No, it is funded on a—just a minute—on a big chunk.

Mrs Sullivan: So there is an annual grant.

Mr Wolfe: Based on staff and so on.

Mrs Sullivan: Are there physicians associated with it who have privileges at the Royal Victoria Hospital in Barrie?

Mr Wolfe: Yes, there are. The one physician on staff now does have privileges.

Mrs Sullivan: Is there a conflict of interest in your being a member of the board of the community health centre and being a member of the board of the Royal Victoria Hospital?

1420

Mr Wolfe: If that were perceived to be the case, and if in fact that were the case, I would probably withdraw from my membership on the board of the community health centre. I am not sure. I have raised that question myself. If it turns out to be the case, I can withdraw from that. I have done all the hard work, which was during the last five years. It is up and running now.

Mrs Sullivan: I am not certain. It may be something we want to investigate further. Certainly with some of the community health centres whose physicians are accredited by the hospital board, it seems to me there is some difficulty in that situation.

Mr Wolfe: I assure you, if it looks as if that is the case, then I will resolve it.

Mrs Sullivan: The second area that I wanted to explore with you was the relationship between the community health centre, the hospital and the district health council. Have you been involved in district health council meetings in relationship to the rationalization of health care services in the Barrie area?

Mr Wolfe: No, I have not. All I can say about the district health council is that in our formative period in 1987, 1988 and 1989, it was very helpful to us at that stage, most encouraging. I have not been involved with any subsequent linkages with the three institutions.

Mrs Sullivan: Are you familiar with the position of the Royal Victoria Hospital that because of changed demographics there is a need for new hospital beds to deliver the care required for people in the community, not only in terms of number of beds, but ambulatory care services? What is your view on that position of the board?

Mr Wolfe: I am well aware of the view. Of course, the issue of a new hospital in Barrie has been around, actively at least, for the last 10 years. I do not have sufficient information and background that would allow me to say whether that claim is right or wrong, but I can say that a new hospital was deemed necessary 10 years ago. It is still not there. To my knowledge from comments in the community, the facility is providing a good service. In retrospect, one has to wonder how necessary it would have been had a new hospital been built, say, five or 10 years ago, because the services are still being provided at, I gather, a proper level.

Mrs Sullivan: Have you discussed those issues with people who are currently on the board or with the administration of the hospital?

Mr Wolfe: No, I have not. In fact, I know nobody who is on the board currently. I have met, on two or three occasions, mostly in connection with the Barrie Community Health Centre, Ted Long, who is the current executive director of the RVH, but I have not had any discussions with the current members of the board. I do not even know who they are.

Mrs Sullivan: You have talked about the board being a closed institution. My understanding is that there are a certain number of provincial appointments, a certain number of municipal appointments and a certain number of people who come from the community at large. How many people other than municipal and provincial appointees are there on that board?

Mr Wolfe: I do not know.

Mrs Sullivan: I see. As a consequence, your comments about the hospital being a closed institution are in fact based on an impression rather than an investigation.

Mr Wolfe: As somebody who has been reasonably active in the community for the last 20 years, I cannot recall any calls for participation in the hospital's board such as you find, for example, in municipal boards, at the library board or some other subsidiary functions of the municipality where they advertise for people who are interested in participating. I read the local press fairly avidly. I do not recall ever having seen anything in connection with the RVH that would solicit people to participate in its governance through the board of governors, nor have I ever seen anything that would indicate a financial statement from the RVH.

This is not being critical. Perhaps that is the way all hospitals run, but I am a little sceptical of an institution whose budget I understand is currently around \$60 million or \$65 million not being a little more open about what it is up to.

Mrs Sullivan: Have you ever attended an annual meeting of the hospital?

Mr Wolfe: No, I have not attended an annual meeting of the hospital, because to do that I believe you have to be a member of the hospital, some kind of organization, which is where they normally draw at least some of the members for their board from, in addition to the ones that may be appointed by various other agencies in the community. Again, the nature of that organization to me is somewhat of a mystery. It is either an indication of my sloth in not pursuing it or the fact that the institution does not in fact make itself very public.

Mrs Sullivan: You spoke earlier about efficiencies. The consensus among most health economists, given the changed funding scenario in terms of provincial government funding for this particular year and the following two, is that those efficiencies will be made through downsizing, which, because of the staff complement in hospital operations, means staff layoffs. Where do you see those people going and how do you see an adequate level of patient care delivery in the community, given the downsizing you say is important?

Mr Wolfe: I did not say they would have to downsize. I am not sure it is necessarily the case that restrictive budgets mean downsizing. It may if people in fact treat it that way. I think it is possible to do much the same kind of service. I have already made the point that I am not sure the services they are doing are the correct ones, but in the short run I think it would be possible to do much the same kinds of services with a similar staff complement, allowing perhaps for normal attrition.

I do not expect, nor would I would support, any wholesale cutback, because I suspect those kinds of manoeuvres are more political in nature than related to the services the institution provides. Laying off 15 or 20 or 50 nurses grabs a lot of attention; however, that may not be the appropriate response to the financial situation. Again, I do not have those details.

Mrs Sullivan: If the administrator and the board of the hospital concurred that the place for efficiencies, indeed the only place—because, by example, the Royal Victoria has already expanded its ambulatory care, it is delivering a service in the community—was bed closures, which meant staff layoffs, would you fight the board on the board?

Mr Wolfe: It is difficult to say whether I would fight the board, because I am not in possession at this point in time of the details that would underlie that decision. If I felt it was unwarranted, if I felt there were other ways to address the issue, then yes, I would object. How far that would get me, one on such a board, is another issue. I have already distinguished myself, I think, with the Georgian College board of governors, where I have objected to certain practices or decisions. That does not mean I carry the day, but you soldier on and try again another day.

Mr McLean: Mr Wolfe, you were asked to sit on the hospital board. Who asked you?

Mr Wolfe: I was approached by Mark Vincer.

Mr McLean: Is he on the board now?

Mr Wolfe: No, he is not on the board.

Mr McLean: What does he do?

Mr Wolfe: He is a special assistant, I think, to Paul Wessenger.

Mr McLean: Are you familiar with the workings of the district health council?

Mr Wolfe: Somewhat.

Mr McLean: The district health council recommended some time ago that there be a new hospital built in Barrie. As a new member going on that board, I would like to know if you believe Barrie needs a new hospital and if there should be one built.

Mr Wolfe: I do not think one can make a decision about a \$175-million expenditure purely on the basis of belief.

Mr McLean: But the district health council recommends that there should be a new—

Mr Wolfe: I certainly am aware of that and I would like to make myself aware of some of the documents that underlie that support.

Mr McLean: The hospital board, when it has its annual meetings, advertises. At one time I sat on that board as reeve of the township of Oro. The hospital cannot be that old, because I was born there.

Interjection.

Mr McLean: That is right.

I would like to go on a little further with the district health council. I have had meetings, along with Paul, at that district health council. They are dealing with phase 1 and phase 2 and they are looking at the overall health care of the county of Simcoe. Do you have any indication of an overall thrust with regard to a regional hospital? That was supposed to be in Barrie. It was supposed to be a regional hospital for the smaller rural hospitals or urban hospitals to feed into. I would like your thoughts with regard to having a regional hospital in the vicinity of Barrie.

1430

Mr Wolfe: Similar to the one in Owen Sound?

Mr McLean: Yes.

Mr Wolfe: Provided it does not duplicate services elsewhere, it might well make sense but it would mean, of course, that services currently provided would have to be transferred from other facilities. I do not know how they would react to it in Orillia, for example, in our area, whether that hospital would take too kindly to transferring some of its functions to a regional centre. If it can be justified in terms of costs, then why not?

Mr McLean: When does the hospital board meet? Do they meet in the daytime? I am trying to find out if there is any conflict with the position you hold today on the community health centre.

Mr Wolfe: I understand they normally meet starting late afternoon. I assume it would be about 4 o'clock; they meet late afternoon and into the evening. In fact, if it were other than that, it would be difficult for a normal paid employee such as I to participate in that.

Mr McLean: My understanding is that there is no per diem in this—

Mr Wolfe: No, which makes it even more of a mystery to me why I am going through this rather lengthy process. It has been going on for seven months.

Mr McLean: Are you elected to the Georgian College board?

Mr Wolfe: The structure of the board of governors of the colleges was changed four or five years ago to require elected members from the so-called internal constituencies, faculty, support staff, administration and students—those people are elected by their various groups and I was elected, first of all, in 1988 for a three-year term which just finished. This time I did not have to run in an election—I like those kinds of elections—but was acclaimed for a further three-year period.

Mr McLean: Do you work at the college?

Mr Wolfe: Yes, I do.

Mr McLean: What position do you have?

Mr Wolfe: I teach in the School of Business in Barrie in the area of economics and statistics.

Mr McLean: Only in Barrie; you do not go to Orillia or Owen Sound.

Mr Wolfe: I have on occasion taught at the Orillia campus, but not for several years.

Mr McLean: That is all I have at this time.

The Chair: Thank you very much, Mr Wolfe. That concludes the questioning. We appreciate your coming down today and we know you had to do some schedule-juggling to appear.

Mr Wolfe: I am sorry. About two weeks ago, the weather was somewhat horrendous. As you know, it can get pretty bad in Simcoe county.

The Chair: We appreciate it and wish you well.

The next matter, as you can see on your agenda, is the motion in respect to Mr Wolfe's appointment. We are looking for a motion to concur. Moved by Mr Hayes. Any discussion? All in favour? Motion carried.

Agreed to.

The Chair: The next matter is the report of the subcommittee and committee business. I hope you all have that in front of you. That is the subcommittee meeting held January 16 which indicates the intended appointees selected for a review by all three parties. We also have an item of correspondence from the Minister of Housing, and a draft questionnaire which has been forwarded to Carol Phillips at the appointment secretariat. Has everyone had a chance to read this over? Any questions on the subcommittee report?

Mr Grandmaitre: On the questionnaire, would you have an extra copy? I left mine on the—

The Chair: This has gone to Ms Phillips. If there was a concern that has been overlooked, there is nothing to preclude us from sending her a supplementary question or two.

I think we discussed the request of the Ministry of Housing and it makes good sense that we should not be selecting federal or municipal appointees for review, which is essentially what she is asking of us.

Mr McLean: Why do we not get a memo from somebody too suggesting we not do the others? That would save an awful lot of work.

Mr Grandmaitre: That is right. Will Ms Phillips still appear before the committee, though?

The Chair: We are attempting to arrange that.

Mr Grandmaitre: This has not been arranged?

The Chair: It will be, I am advised. The date has not been finalized.

Mr Grandmaitre: Could we know shortly? Some of us will be shovelling snow or doing something else.

The Chair: You will know the finalized date this week. If there are no questions, I am not going to ask for a formal motion, as no one apparently objects to the business of the subcommittee.

Moving on to the next matter, that is the closed session. Hansard folks can depart and we will just take up two or three minutes to grab a coffee. Then we will start with the closed session and the briefing from our researcher, and then we will open up the questions.

Mr McLean: Point of order, Mr Chairman: To determine whether or not the committee concurs, is that not in open session?

The Chair: We have already done that.

Mr McLean: You have done that?

The Chair: Yes, we concurred. So we will adjourn the formal part of the meeting and take a three- or four-minute break.

The committee continued in camera at 1437.

CONTENTS

Monday 27 January 1992

| | |
|--------------------------------------|-------|
| Appointments review | A-791 |
| Michael Wolfe | A-791 |

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Chair / Président(e): Runciman, Robert W. (Leeds-Grenville PC)
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Frankford, Robert (Scarborough East/-Est ND)
Grandmaitre, Bernard (Ottawa East/-Est L)
Hayes, Pat (Essex-Kent ND)
Jackson, Cameron (Burlington South/-Sud PC)
McGuinty, Dalton (Ottawa South/-Sud L)
Marchese, Rosario (Fort York ND)
Waters, Daniel (Muskoka-Georgian Bay/Muskoka-Baie-Georgienne ND)
Wiseman, Jim (Durham West/-Ouest ND)

Substitution(s) / Membre(s) remplaçant(s):

Cunningham, Dianne (London North/-Nord PC) for Mr Jackson
Sullivan, Barbara (Halton Centre L) for Mr Elston
Wessenger, Paul (Simcoe Centre ND) for Mr Marchese
White, Drummond (Durham Centre ND) for Mr Waters

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Le mardi 28 janvier 1992

Standing committee on government agencies

Agency review:
Brockville Psychiatric Hospital
Community Advisory Board

Comité permanent des organismes gouvernementaux

Examen des organismes
gouvernementaux :
Hôpital psychiatrique de Brockville
Conseil consultatif communautaire

Chair: Robert W. Runciman
Clerk: Douglas Arnott

Président : Robert W. Runciman
Greffier : Douglas Arnott

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Table of Contents

Table of Contents for proceedings reported in this issue appears at the back, together with a list of committee members and other members taking part.

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at (416) 325-7400.

Table des matières

La table des matières des séances rapportées dans ce numéro se trouve à l'arrière de ce fascicule, ainsi qu'une liste des membres du comité et des autres députés ayant participé.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Tuesday 28 January 1992

The committee met at 1034 in committee room 2.

AGENCY REVIEW

Resuming consideration of the operations of certain agencies, boards and commissions.

BROCKVILLE PSYCHIATRIC HOSPITAL COMMUNITY ADVISORY BOARD

The Chair: Can we come to order, please. We are a little late getting under way. We are still short a couple of members and our research officer, which is quite surprising. This is a first, that he has not been here at starting time. Oh, here he comes. Welcome.

The first witnesses this morning are representatives of the Brockville Psychiatric Hospital Community Advisory Board. I would like to welcome you to the committee. I think we all appreciate that you are volunteers on this board and are taking time out of your other responsibilities to appear before us and we very much appreciate it. I wonder if you could all introduce yourselves and your role on the board for the purposes of Hansard and then we will ask you to proceed with an opening statement.

Ms Francis: Good morning. I am Chris Francis and I am the chair of the community advisory board in Brockville.

Mr Reil: I am Robin Reil. I am vice-chairman of the board, and I just want to thank you in advance for postponing this meeting until 10:30 so I could catch the red-eye out of Brockville, which lands in Toronto at 9:59.

Mr Grandmaitre: Was it on time?

Mr Reil: It was two minutes early.

Ms Duclos: I am Jacqueline Duclos, and on your list there I am written down as a consumer. I would just like to state that it is consumer/survivor, and I am willing to address that at a later point if you wish.

The Chair: Please proceed.

Ms Francis: Since we have already made our introductions, I will just start in. Good morning everyone. I am really glad to be here. My understanding is that you have already received an overview of who we are and the status of operations at Brockville Psychiatric Hospital. I will therefore keep my opening remarks brief.

We are happy to be here to let you know our perceptions of our role and the challenges we are facing as an advisory board. Our mandate is to be a communication link between the hospital and the community and to advise the minister about the needs of the hospital and the community as we assess them to be.

Presently we have just completed public forums in three areas of our catchment, Ottawa, Brockville and Cornwall. The results are being compiled and our members will analyse them and make recommendations at a

day-long meeting on February 29 in Brockville. We hold public meetings in one of our catchment areas at least once or twice a year. In March we are going to be meeting in Rockland, outside of Ottawa. Last year we met in Cornwall.

The reason for these meetings is to increase the awareness of the services Brockville Psychiatric Hospital offers and to get feedback from the grass roots about the perception of those services and to look for ways we can be of further service to the consumers, families and givers of service in our catchment area. For example, out of Cornwall's meeting we were able to promote partnerships of consumer-survivor groups.

A challenge we take very seriously is the complex one of reassuring the community that the hospital has in place state-of-the-art assessments to make the best possible decisions available to them regarding forensic clients. We hear and understand that the community is concerned. We know that a realistic, non-inflammatory education process is necessary. We know that the trust between the hospital and the community can be fragile. We need to build partnerships with the media to help ensure and have them take a part in that education process.

The board understands the heartache of threatened job security. We have met with the Ontario Public Service Employees Union to look for ways to keep options open. New roles may be in order for some staff. The board would like to be a catalyst for perhaps planning for skills retraining.

As I say this, I am feeling a little anxious, because at this point the writing seems to be on the wall with regard to some changes going on in Brockville, yet from the minister we are getting reassurance that the hospital will not close and layoffs are not planned, so we are caught in the middle.

The bottom line for CAB is to see its way clear through the structural, procedural trappings and help the hospital improve services to clients. We are not a management board. Our advisory capacity is like 10W-30, to grease the communication wheels. We pull ideas together, and we have to ensure that a generous squirt of that 10W-30 lands on the board itself. We have to communicate with each other.

I must commend our board for countless hours of volunteer time, accommodated between work and family responsibilities. We will try our best to answer your questions this morning so you too can fulfil your role. You will have to excuse my 10W-30 metaphor, but it was hard to resist after I read your terms of reference with that sunset metaphor in it. I hope we have a good meeting.

1040

Mr McLean: Has the advisory committee ever made any recommendations to the ministry over the past several

years, any input it might see going on within the community which it would hope the ministry would look at?

Ms Francis: My group will have to help me with this. A lot of the contacts we have with the ministry are for clarification and reassurance. Since my being there, there have not been any specific recommendations around specific changes.

Mr McLean: You are a group that works between the community and the psychiatric facility and you say you have meetings across your area of jurisdiction? My initial question was that I was wondering if at any time you have made recommendations, having had those meetings and observing what is taking place within the community, that perhaps some changes should be made. Have you made any recommendations to the ministry?

Ms Francis: I think that is about to happen, where we have solidified all the ideas and all the data we have gathered. This community outreach is a fairly new process for community advisory boards. Although we have been in existence since 1986, traditionally that role has been passive. We have been trying to make it more active and trying to make closer connections with the community. So those recommendations are coming.

Mr McLean: Do you work with the district health council in any way?

Ms Francis: Yes.

Mr McLean: Do you have members on your board who are part of the district health council?

Ms Francis: Yes, we do. Catherine Whetter, who appeared before this committee, is part of our community advisory board.

Mr McLean: Have you any thoughts—you may not want to express them—with regard to the Lieutenant Governor's role, his jurisdiction or his power within the psychiatric facilities?

Ms Francis: There is a lot of controversy around that, especially in Brockville, where people are feeling unsafe. We know there is legislation in place around what the role of the review board is and what that whole process is all about. I think, as with any legislation, changes are made when the existing process is not seen as reasonable. For example, that kind of thing happened with the Young Offenders Act. At this point there is a spirit afoot to have a closer look at that process, to see if it can be changed in any way to improve the batting average, I suppose, the predictability.

Mr McLean: Are you discussing this within your own group?

Ms Francis: Yes, we are.

Mr McLean: As an advisory committee for the community, you are working on recommendations or some input where you can let the ministry or the district health council or the psychiatric facility know, but you have done nothing in that line yet of really putting something down in writing, is that right?

Mr Reil: Just to pick up—I have been jotting down some of the questions—with regard to being involved with

the ministry and so on, I have been on the board just over a year and a half. We are now on our third Health minister. We have had a problem since I have been on the board in terms of getting a response from the minister when we simply write a letter expressing a general concern. Until Frances Lankin came in and until we had written her several letters, there had been very little response to certain basic questions, if you like, trivia and detailed kinds of things.

At the same time, since Christine has become chair our board has really become proactive in terms of holding public forums, which we did in Brockville, Ottawa and Cornwall. We are going to meet as a board for a retreat on February 29. Out of that, we are going to be making specific recommendations. There are certainly diverse needs of the three communities and we want to mesh that in and then make some specific recommendations.

We are pleased with the fact that the latest Minister of Health, although a bit late, is responding. We are hoping this dialogue is going to get better.

Mr McLean: My final question is to Jacqueline, the consumer on the board. Perhaps you can tell us when you were appointed to the board and what your role will be.

Ms Duclos: I was appointed just in the fall of this year. Again I will state that it is "consumer/survivor," and the reason I say it with the slash in it is that the idea of a consumer is a nice idea in theory, but the problem is that we are not consumers most of the time. Once brought into the system, we have no choice.

At the moment I am doing a lot of reading about the hospital, theoretically, about its programs and so on. I was a resident at the hospital for over a year, so I know that side of it and I am trying to balance it on the other side. On the board I think I have the same role anyone else does, as well as the role of representing the people who are in that facility and conditions for them. That is my basic feeling.

I would just like to make a comment on the Lieutenant Governor's warrant. The problem with it is that the legislation that was struck down is fundamentally flawed. Even with the changes they are trying to make, they are not going to eliminate the "until cured" part, so they say they will be able to do capping on it. But in reality they are leaving a loophole so they can still keep people in there for a long time. There really are problems with that piece of legislation.

Mr McLean: You will be making some recommendations to the board on that, I am sure.

Ms Duclos: I am working with some people.

Mr Frankford: Your mandate is representing the hospital in relation to the community. Does this limit you? It sounds as though in a sense you want to look at psychiatric services for the area rather than just for the hospital.

Mr Reil: I am not sure we are representing the hospital to the community. Rather, we are liaising between the two in that we answer to the Minister of Health and not to the hospital. We do share our findings with the hospital.

Mr Frankford: I am just wondering, does the fact that you are hospital-based limit you in any way? I think in your introduction you said that it is representing the hospital.

Ms Francis: We are sort of in the middle trying to juggle both roles. I feel strongly that both roles are necessary. That is, we need to help the hospital to be in touch with the community so that all the positive things that are happening can be shared with the community. But we also need to bring to the administration of the hospital what we are getting from the people in the community about those services. It is a two-way street.

Mr Frankford: These consultations you have had in the community, presumably in a sense you are doing a needs assessment.

Ms Francis: Actually, it is broader than that. Our role was to listen to people's experiences with the Brockville Psychiatric Hospital. The people we heard from were consumer/survivor groups. They were administrations from other services in the catchment area that use the services in Brockville from time to time. It was a broad base of gathering information from anyone. Families of consumers were also present. Community mental health facilities were also represented and gave their input as to how they work with the hospital, what things could be improved. This is the kind of information we are looking for.

Mr Frankford: Can you give us some idea of what the hospital does in the way of outpatient care?

1050

Ms Francis: What it does for an outpatient? Right now, Brockville has a new outpatient program that is in the second year of being piloted. It is run out of Ottawa. Clients are discharged from Brockville back to their home community of Ottawa. Various teams are set up as support teams to help them function effectively in the community.

Mr Frankford: There is no outpatient service or clinic actually in Brockville itself?

Ms Francis: Yes, there is. There is a schedule 1 facility, which is Elmgrove. That is part of the hospital that serves Brockville and the area. Elmgrove would be similar to a psychiatric unit in a general hospital in another community, only Elmgrove in Brockville happens to be situated on the hospital grounds.

Mr Frankford: The hospital itself does not have either ambulatory care facilities for people who do not need admission or anything where discharged patients would go for follow-up or continuing medication. Is that my understanding?

Ms Francis: Yes, that would be the role of Elmgrove, unless they were from another community; in that case they would be in their home community and then followed up.

Mr Frankford: Has the board had discussions about increasing the outpatient services?

Ms Francis: Yes. As you know, the Graham report is something that seems to be a philosophy the ministry has developed around mental health. What we are looking for is to get people in their home communities and to service psychiatrically disabled clients as close to their home community as possible. The thrust is to not keep people in hospital for very long.

Mr Frankford: Do you know to what extent the staff psychiatrists in the hospital are available as consultants to physicians in the rural community?

Ms Francis: This is some of the information we have been gathering from our meetings out in the community. There are mixed perceptions. It seems the outlying communities would like to have their own service. Rather than rely on Brockville, they would like to have their own service and their own people and their financial resources to run it. They see it as unwieldy to deal with Brockville over the distance.

Mr Frankford: Does the hospital have a psychiatric director or does it just have a number of staff psychiatrists?

Ms Francis: Dr Draper is the medical director. Each service has psychiatrists who are in charge. One of the difficulties that Brockville is having is the retaining of psychiatrists. There seems to be a turnover of psychiatrists at the Brockville hospital.

Mr Frankford: Does Dr Draper sit in on your meetings?

Ms Francis: Yes, he does.

Mr Frankford: Does he give you input on his feelings about the broader psychiatric needs of the region?

Ms Francis: Usually what happens is that he has a report of the kinds of things that have been going on. He responds to our questions. One of the things we have been hearing out in the community is that when people ask to be admitted to Brockville, sometimes there is a waiting list and services are not available immediately, so the most recent discussions have been, "How can there be long waiting lists when the hospital occupancy is not 100%?" It seems there is some intricate formula that the occupancy is assessed at, so some wards are at 100% and cannot take in any new clients.

Mr Frankford: Do you have any figures or any sense of what diagnoses are on the waiting lists?

Ms Francis: The dual-diagnostic area admits clients who have a developmental handicap plus a psychiatric diagnosis. This seems to be an area where there is some difficulty. There have also been complaints from the Cornwall area for geriatric clients who also have a psychiatric illness. It seems this service is hard to come by and there are waiting lists in communities.

Mr Frankford: We have the list of hospital activities here. Registered outpatients in 1990-91 were 443. I have no idea what to expect, but that does not sound like all that many for the region you cover.

Mr Reil: The outpatient service covers just Leeds and Grenville counties, with a population of around 50,000 or thereabouts. Maybe Mr Runciman would know better. That seems to be roughly a one-in-ten kind of situation.

Mr Frankford: You said there is a facility in Ottawa as well which is a sort of outpatient facility. Presumably the clients there have not been included.

Ms Francis: Are those included in that number? I do not know whether all—

Mr Frankford: It just says "hospital activities," so maybe it underestimates the—

Mr Reil: If I could just expand, the Ottawa outpatient is ACRP, the assertive community rehabilitation program, which deals with people who live in the Ottawa area. Rather than going through transporting them to Brockville, the basis is that it is better to be treated right at home, and if you can be an outpatient, so much the better for your mental health. The Elmgrove service, on the other hand, deals on an outpatient and sometimes on an inpatient basis with people who live within a decent distance of Brockville.

Mr Frankford: So your board does have responsibility and input into those non-Brockville services, is that right?

Mr Reil: Yes.

The Vice-Chair: Thank you. Mr Grandmaitre; we are trying to limit it to 10 minutes so we can keep rotating.

Mr Grandmaitre: Very good. If I may, I would like to follow up on the types of questions Mr McLean went through with you. I realize you are an advisory board and that you are volunteers and we are all proud of you, but do you feel that advisory boards, for instance your advisory board, in some instances are some kind of—not a setup; that you look good but are not being listened to? Do you feel that way?

Ms Francis: From time to time, sure.

Mr Grandmaitre: How often?

Ms Francis: My feeling, and what keeps me going, is the fact that even though the system is not perfect, it is better than having a really insular kind of situation without us. At least what is happening is that we are keeping some doors open. The potential for psychiatric hospitals to become really insular is tremendous. Historically they have been, and I think that is why community advisory boards have been developed. Even though it seems like the startup point in 1987 was quite a few years ago, there is often a feeling that we are feeling our way around. The turnaround with advisory boards is substantial. When members come on to an advisory board there is a real education process that has to take place. The system is intricate and complicated, so to get a feel for where things are at sometimes takes a little bit of time.

To answer your question, I think it is much better than not having anything. I think it is possible for us to push for some more power. Sometimes we are given mixed messages as to how much power we have when we delve into certain aspects of the running of the hospital. There is often the feeling that we are only in an advisory capacity, therefore we should not be commenting on structure.

On the other hand we get messages such as, "You have as much power as you want to take." At this point we are feeling our way around and hoping to make things better, not make things more complicated and worse simply by our existence. We want to increase communications, not make it more complicated.

1100

Mr Reil: Could I expand on that? Like I said, I have been on the board a year and a half, approaching two years. I have heard that when the boards were established in, I think it might have been 1984, the board members were perceived as being a kind of window dressing, political appointment process. In some ways that seemed to continue until about 1990 or 1991.

When I came on the board a year and a half ago we spent a lot of time having a nice meal at the hospital, listening to reports from the psychiatrist-in-chief and the administrator and working on mission statements. You kind of sat there, it was my perception, until you were blue in the face, sitting and listening and then going home and coming back two months later to listen again.

As Christine has mentioned, we see our role evolving because we have become much more of a proactive board. We have decided, let's get some action, let's ask some questions. For the moment we certainly remain optimistic that the communication with the Health ministry is going to improve in the sense that once there is consistency, with the same person being minister over a long stretch of time, if we can get some good communication established, which we have made some inroads into now, then things are certainly sounding on the up and up. As Christine said, I guess we can pretty much decide what our role is going to be. The more active we get, we will see what the results are and then it will come out into a kind of happy medium situation.

Mr Grandmaitre: I have read some of your annual reports going back to 1986, 1987, 1988 and 1989. They seem to me very good reports. You have only been on the board for a year and a half, did you say? How many years have you been on the board?

Ms Francis: This is my fourth year.

Mr Grandmaitre: What has been your experience in the last four years? When you file your report with the Ministry of Health, is it listening to you? I have seen some of those reports and now another member of the board is saying, "It is only now that we feel we are being listened to." If you had to change your mandate or advise the ministry as to how you can be more efficient as a board, what would you change in your mandate to become more efficient?

Ms Francis: Just speaking for myself, I would like to be seen as legitimate. There is often a comparison between our advisory board capacity in the psychiatric hospitals with that of boards in general hospitals. They are seen as two different mandates. The boards in general hospitals seem to have a lot more power, make decisions and can be accountable for those decisions. I do not know. There has been some discussion around divestment and whether community advisory boards should in fact be management boards like general hospital boards. Maybe that is the direction to go.

Mr Grandmaitre: What are your comments on the rumours about the possible move of your hospital to the Ottawa-Carleton area? It is only a rumour, but rumours around Queen's Park seem to fertilize—

Ms Francis: Yes, many rumours. The rumours play havoc with the people who live in the community.

Mr Grandmaitre: Absolutely. They must.

Ms Francis: And they are, I think, unfair. One of the things we did was to contact the minister to try and get some detailed future plans so we could begin to give some reassurance to the people who work at the Brockville Psychiatric Hospital.

On the one hand we have to look at whether we can give better service to clients in their own home communities, okay? The Graham report says yes. That being the case, what role does the Brockville Psychiatric Hospital have? I think there are other roles the hospital can play. They can be centres for other areas of expertise, and then we could perhaps meet the needs of the clients in their community, having Brockville serve as some source of expert resources. I think we have a lot of expertise around community mental health, giving service, but we have to resolve some of the logistical problems of the distance some way.

The Vice-Chair: Keeping to our 10-minute rotation, Mr Runciman is next.

Mr Runciman: Representing the Brockville area—it is part of my riding—I am not very heartened by that response and what you said earlier about the writing on the wall. Have you, as a board, read the Ottawa-Carleton Regional District Health Council's report and recommendations in respect to the move of long-term psychiatric beds to the Ottawa-Carleton area?

Ms Francis: We just have received those and I have not had a chance to read them.

Mr Runciman: So the board has not taken a position on that report.

Mr Reil: We have not seen the report yet.

Ms Francis: There has been some discussion. The community advisory board chairs and vice-chairs meet as a group about two or three times a year, and they as a group will be responding to that long-term care report saying that it has some deficits in the area of really addressing some needs.

Mr Runciman: I think it has a lot of deficits and I hope that rather than simply the advisory committee, perhaps you will be drawing on community input which I see as part of your role in respect to not only this question of removing long-term beds, which has been around for a long time, but also another important element: the impact on a community. Brockville Psychiatric Hospital has the largest payroll in that whole region. The significant moves recommended by the Ottawa-Carleton district health council would have a devastating impact on the economy of the region. Those are the kinds of concerns you should be taking to the table as well so that they are part of the mix.

I guess I am curious about a bunch of things. I will not get to all of them in this round.

Ms Duclos: I would like to respond to that. For one thing, the mandate put forward by the Graham report was to community-based mental health, which means services in your own catchment area, like in the city of Ottawa-

Carleton. People in Ottawa-Carleton; basically want to stay in Ottawa-Carleton, they do not want to travel the distance. Also, I think the Brockville hospital is going to have to look at taking on a new kind of role into different areas than it is because it is very hard to rehabilitate somebody on a ward 135 miles away from their home. It does not teach them anything about—

Mr Runciman: Where is this happening, 135 miles away?

Ms Duclos: I do not know the direct distance from Ottawa to Carleton.

Mr Runciman: It is a little over 60 miles.

1110

Ms Duclos: Families do not get down there. I was there for a year; my family came down twice. I think the hospital is going to have to look for a new role if there are areas of specialization it could be moving into. I did not know the extent of the geriatric component, but it is quite large. I think they have to look at a new direction because people do not want to be locked up in a hospital for long periods of time. It does not benefit the community in the long term and it does not benefit the person. You start eating up large amounts of money supporting people in a facility of this nature when it could, I think, be directed into different areas.

Mr Runciman: I have heard all these arguments before. I was not going to interrupt you, for the benefit of the committee. The communities which will be impacted in a negative way are going to be taking a position on it and taking a look at what we fear are all the weaknesses in this report. I hope you will take a careful look at it and again, as I said, ask for input from all the communities.

I am curious about the oversight on the operations of the psychiatric hospital and how involved you are there. I know there is a budget shortfall at the hospital this year. I wonder how involved you are in terms of reviewing the budgets and going over them line by line to see where changes and adjustments can be made. Do you get involved in that sort of thing?

Ms Francis: We are involved. We sit in on the meetings. Interesting things happen with budgets. Up to a period of time we were very much in the black and things were going really well, and the planning for the future was such that if we continued along these lines we would not have a shortfall. But different messages come down through the ministry asking for adjustments, like "Do not renew contracts for people who are not on contract," that is, for the full-time staff; "Don't do that any more," or the money earmarked for a certain thing was no longer coming down the pipe any more.

These kinds of things demand that the people doing the budget—at least it is my perception—have to constantly adjust and head problems off at the pass. You cannot predict the future very well just because you have a budget.

Mr Runciman: I am glad you are involved in it, in any event, and taking a look at it. An area mentioned in the Ottawa-Carleton District Health Council report was the difficulty in gaining access to rehabilitation beds. I talked

to the folks at the hospital in OPSEU and they say one of the reasons for that is certainly not the access problem in terms of distance but the fact that the head of the rehab unit, Dr Lafave, has made some pretty dramatic changes in admission criteria over the past few years. I wonder if you could respond to that.

Ms Francis: Dr Lafave is seen as an expert in his field. He believes in community rehabilitation. I know he has ruffled a few feathers in the community. We are in a real doublebind position here. We know community mental health is good; there is a lot of support for that. That invariably means a change of role in the Brockville Psychiatric Hospital. We have seen the changes over the years; we have seen it go from almost 3,000 patients 20 or 30 years ago to 350 patients now. Those changes come as the beliefs of the time change.

Mr Runciman: When we are talking about the DHC report I think there is confusion. They are looking for long-term psychiatric beds, psychogeriatric rehab and so on, they are not looking for community-based. A lot of their proposals are dealing with moving long-term beds to the Ottawa-Carleton area.

Ms Francis: So this means that role will not be played by Brockville.

Mr Runciman: It will be played in Ottawa-Carleton rather than Brockville. I think it is quite a significant difference in terms of community-based care.

Ms Francis: Yes, it is true. It does not matter if you are elderly; you should still have access to your own community, your own family.

Mr Runciman: You think a 45- or 50-minute drive is too far. Essentially that is what you are saying.

How much time do we have?

The Vice-Chair: You have one minute and 20 seconds.

Ms Duclos: I can say—

Mr Runciman: You are going to take up my time, but I will get you the next round.

Ms Duclos: I am sorry. At the Ottawa-Carleton Regional District Health Council, I sit on the implementation committee that is asking for and looking at proposals from the community to see what services people want in the community and how to address them. In terms of the long-term rehab beds in Ottawa-Carleton, I just attended a meeting last week with the chiefs of psychiatry where they were discussing a model, and only a model. There was a fair bit of resistance just to how they were approaching it. They were looking more at things along the lines of the assertive community rehabilitation program, which keeps people in their community again.

Mr White: First off, I want to commend all three of you for taking the time to come down here and also for demonstrating a very wide vision in terms of what mental health services should be in your community—or, I should say, your communities.

I have some questions in regard to the role of CABs and also a couple in regard to some of the services we have just been speaking of. First off, all the appointments

are made by the Ministry of Health. Who makes those recommendations?

Ms Francis: Two things happen. We advertise in the paper for people to volunteer to serve on boards, and they submit résumés to our nominating committee. A committee of the board looks over the applications and then we forward those to the minister.

There is a new process now. There is the open door, open book process, so that we are going to be getting possible appointees from our own communities and also at the ministry level, because those applications will be directly to the ministry.

Those are submitted to the minister and then they are appointed. Traditionally that time span was horrendous. Between the time we submitted the names and the time we got any indication back was sometimes nine months.

Mr White: You mentioned that Catherine Whetter is on the district health council in eastern Ontario. Ms Duclos, you mentioned that you were involved in a district health council or an organizing group in Ottawa-Carleton. Are there other members on your board who are similarly involved with other health councils?

Ms Francis: Yes. Belia Brandow would be another person who would be involved.

Mr White: Would it be a health council in Leeds-Grenville, then?

Ms Francis: Rideau Valley, I think.

Mr White: Okay. So you are able to report backwards and forward within those various groups?

Ms Francis: Yes.

Mr White: I think that is quite commendable. In terms of your mandate, you are to advise the minister in regard to the need for services in your communities. You have mentioned the community relations issue. To what degree do you advise the hospital directly—the administrator, the hospital chief? You mentioned having meetings with OPSEU. To what degree do you advise the hospital directly, as well as partaking in or monitoring its activities?

1120

Ms Francis: We meet as a total group every other month, and then between times we meet in subcommittees. Dr Draper and Pat Lee attend those meetings. They share information with us and we share information with them. I am not quite sure what you are getting at. Do you want some specific things that we advise them on?

Mr White: Yes, that would be of interest—areas where you might have given them specific advice.

Ms Francis: One of the areas is that in Cornwall, the mental health services that have been provided by Brockville have been seen as really inadequate. We brought forward to Pat Lee some of the difficulties and what we have been hearing in the community of Cornwall. What happened then was that a series of meetings was set up between Brockville, the psychiatrists at the hospital, and the administrator of the Cornwall General Hospital. They sat down face to face to try to iron out some of the difficulties with regard to the services, so it is that kind of process.

Mr White: You mentioned your other proactive moves, such as having public forums in various communities. I really want to commend you on that because I do not believe that is general with all community advisory boards, and of course it is a very important service.

When you do not have a management board capacity, as the board of a hospital would normally have, do you think a CAB would be more relevant than a group which would oversee all psychiatric services within eastern Ontario, like a district health council for psychiatric services?

Mr Reil: You cannot beat local input and involvement in terms of the facility being part of the community.

Mr White: I appreciate that, but what I am asking is, if a group like yours—you are now facility-based. Your staffing, your resources are all at the Brockville hospital. If instead you were independent, with the same group of people or perhaps slightly different, but from the same communities, you would be independent but you would be able to monitor all psychiatric services within those communities and perhaps coordinate them better.

Ms Duclos: You would be looking at a massive coordination problem. If I can use an example from Ottawa-Carleton, trying to coordinate the hospitals with psychiatric units in that city and getting them to talk to each other was a major task. Getting them to talk to community centres, health clinics and so on, it gets very large very quickly.

I think that in terms of Brockville, just the organization and structure of that place in itself requires that someone be able to look at it. I would like to see, perhaps—and this is only my own opinion—the board have more real power to maybe do things. But I think that system in itself needs its own people to look at just how that place works, because it is so big on its own. Trying to coordinate the region that would be covered, you would be lost, I think, in coordinating everybody to one place. It is hard enough getting our board together at one time.

Mr White: What you are saying is that there is a need for a CAB to address the services of that psychiatric hospital—

Ms Duclos: Definitely.

Mr White: —but also that there is no coordinating body in regard to psychiatric services in eastern Ontario.

Ms Duclos: I think you have your district health councils in each area.

Mr Francis: Well, that is their role, and that is what their role should be. I do not really like the idea of mental health services; it is health, and mental health services should be incorporated as part of district health councils.

In the Cornwall area, there was no mental health committee as part of a district health council. We are just sort of trying to start that going. Mental health services have taken low priority, in my estimation, as far as the district health councils are concerned. That has been my own experience. So the coordination is really necessary. The people who need to be talking to each other should be talking to each other face to face. There is a lot of grabbing for resources and power struggles that do occur; you are very well

aware of that. A community advisory board somehow should be trying to get people face to face in a non-threatening kind of way. We have no power. We are no threat. Maybe that is a plus sometimes.

The Vice-Chair: Thank you. You have just 30 seconds.

Mr White: One brief question to Ms Duclos. You mentioned that you were at the hospital for about a year, and you and your family live in Ottawa. A year is a fairly long time in hospital, and you only had a couple of visits. Does your family have a car?

Ms Duclos: Oh, yes.

Mr White: And yet even with a car, there just was not that access.

Ms Duclos: My family now is fairly affluent, but you have not only the transportation and the time it takes to get down there, but also the reality of day-to-day life. Both my father and my stepmother worked full weeks for the federal government, and the only time they ever had was weekends. On the weekends you have to buy your groceries and all that stuff, and you also hope to try to get some break. You have the maintenance on your house. The dynamics—it is just very difficult to coordinate time as well as that. That is a major problem. I have had people who were there in Brockville after I left, and my getting down to see them on any kind of regular basis was very difficult. You spend two hours going and two hours coming back and two hours there, and your day has gone.

Mr Reil: Can I just add one comment? There is a free bus service from Ottawa-Carleton every weekend to the hospital, so that service is provided.

Mr Ruprecht: I have a couple of questions. One of them follows within the line of Mr White's questioning, but what I wanted to ask you, really, is about the whole idea of the revolving door phenomenon. Since in my own area in Toronto we do have some experience of how this works, I wanted to find out your opinion and what recommendations you have made, generally speaking, in terms of this revolving door business.

Patients are coming into a psychiatric centre and obviously getting some treatment. After a quick treatment period, they are being sent "back into the community," meaning that there should be some help there or that someone is there to look out for them or after them, and yet we know that not too much is happening. In a very short time, it seems, the patients are back again. It is a continuous process, and not much is out there in terms of community activities.

My question to you would then be, have you made some recommendations in this kind of format, or what do you see that your psychiatric hospital could do to try to help out in terms of coming to grips with the situation?

Ms Duclos: I think there are a couple of things that first of all have to be addressed. One is that we want people to work with us, not "take care" of us or "look out" for us.

The second one is that you have to expand it beyond just the psychiatric hospital. You are looking at an issue that crosses not just the idea of a mental illness; you are

looking at a whole economic and social thing too. A lot of the people you get are those who get caught in the poverty. They do not have the money to live adequately, so you really have to look at adequate housing, adequate payment for people, adequate programs in terms of rehabilitation and addressing things. There is going to be a proportion of people who will always probably do the revolving door, a percentage who get caught into that and find a security in it and so on. But in Toronto here you have burgeoning projects run by survivors trying to support them, but we get resistance.

1130

You can put so many millions of dollars to clear up a debt at a psychiatric hospital and then \$1.3 million gets spent to fund 43 consumer groups across the province. I think one has to look at where you are directing some funds. I think the community advisory board has a role to play in that area. I do not want to see anyone lose a job because of this, but I think they have to refocus where they are and what they are delivering, because people want to live, have lives. The system that has been created is making someone into a revolving door.

Mr Ruprecht: That is my point.

Ms Duclos: But that is not the psychiatric system alone: That is the housing system; that is the social welfare system; that is the job situation; that is job retraining, school, the whole thing. You have to expand it outside of that—very much so—and you cannot just deal with it in isolation. It is a much larger concept.

Mr Ruprecht: Thank you very much. I am wondering whether you want to address yourself to that point as well, but while you are thinking about this, let me just make one additional point.

I think you are quite right: It cannot be done in isolation. But the question really is, is there enough help out there after patients leave the hospital? However you want to term it, whether you say, "Let's do something for them," or, "Let's work with them," is that irrelevant? Is there something there within the system that will provide enough for them to at least get some help to maintain some kind of livelihood so that it does not become systemic, so that the system does not push them back in there again? If that is the case—and we do not want to be too harsh with you, because we appreciate your coming down here—what do you see as the way out of all this?

Ms Francis: I agree with Jacqueline. The resources that are out there are getting better and there is some improvement. I think the assertive program Brockville has developed is a good program basically, that the support systems are in place. I do not know if it is a lot cheaper to serve these survivors out in the community, but I think you have a happier client group as a result and the recidivism rate is less. It has not been in operation long enough for us to really assess just how good it is, but there are models out of the United States. That does not mean to say that psychiatric hospitals are redundant. There still is going to be a need for them, but on a smaller scale and perhaps in a reorganized structure.

Mr Ruprecht: Do you know offhand what is the recidivism rate, roughly, of your institution?

Mr Reil: We do not have a figure offhand, but we have been told that it is better than the prison system by quite a bit.

Mr Ruprecht: Is it less than 20%, 30%, 40%, 50%, 80%?

Ms Duclos: You have to look at why people are coming back. It is not so much the numbers; it is why they are coming back, and that takes you larger again.

Ms Francis: Sometimes people come back because they have run out of money, because the support system for helping them set up their budgets and organize their lives has not been in place or has somehow fallen apart.

Ms Duclos: In Ottawa we have different programs running through the region and out of different agencies: case management, support services to people in their homes. Unfortunately, nobody wants to fund—it is very difficult to get funding for that, and it is the preferred choice of most of the people to have that kind of service.

Again, there is a role for hospitals in the spectrum, but we have to open the spectrum up from just looking at institutional situations and take it across the lines to support groups, to agencies, to whatever. We should be looking at funding a far broader range, because they will all complement themselves in the end.

Mr Ruprecht: Mr White raised a question in terms of your mandate. I am wondering, again not to be too harsh here, have you looked at this issue at all in terms of your own whatever-it-is you are discussing in your bi-weekly or monthly meetings in this kind of area? What can you actually do and what recommendations could you make, if you have not made recommendations already, that would help people in terms of your aftercare programs?

Ms Francis: One of the things we have done is that, from what we know about the assertive program out of Ottawa, we know it works. It has some tremendous pluses. It speaks to the problems of post-discharge from psychiatric hospital issues in an organized fashion with teams in place to do support, crisis intervention, that kind of stuff, to keep people out of hospital. As a board, we support that program, but we also know that by supporting that program we feel a little bit like traitors, in that we are sort of saying, "Okay, the role of Brockville will have to change," which means job losses. We have a commitment to the community to recognize that this may happen. What can we do to make it better? I mean, what kinds of other roles can Brockville play?

Mr Runciman: Mr André Bergeron is listed as a vice-chairman of the Prescott-Russell Community Mental Health Centre. Does he have anything to with Montfort hospital?

Ms Francis: Yes.

Mr Runciman: He is involved with Montfort. Again, this comes from OPSEU, which has a representative, I gather, on the advisory board now but without voting power because she is employed at the hospital.

Ms Francis: Nancy.

Mr Runciman: Yes.

Interjection: What is Montfort?

Mr Runciman: It is a French-language hospital in Ottawa. They advised me they had a concern that the president of OPSEU was not able to participate in votes, if you will, on the committee. Primarily they were concerned about this Ottawa District Health Council proposal to move long-term beds to the Ottawa area, that 10 or 14 of those beds were going to Montfort. They felt Mr Bergeron would be in a very clear conflict taking a position on that matter when in effect his employer, the hospital where he worked, would be a beneficiary in respect to that. I simply want to make sure you are aware that those concerns are there.

Mr Reil: I did have a lengthy telephone conversation with Art Lane, the OPSEU president for the area, last week about that, and yes, Mr Bergeron, as the second vice-chairman, does operate a mental health clinic situation up in Rockland which is about 30 or 40 miles east of Ottawa. In fact he deals with francophone patients. Mr Lane suggested there could be a conflict of interest there. Possibly there could, but as board members we certainly do not feel in the least bit that Mr Bergeron is in any way, shape or form in a conflict-of-interest situation. Since I have been on the board, he has worked extremely hard for the good, not of the hospital per se, but for the good of the people who are in that hospital.

Mr Runciman: I do not think anyone is suggesting—except, on this particular matter, if the advisory board takes a position that those concerns are out there, and if he participates, they will indeed be raised, you can be assured.

Ms Francis: Brockville does not have real facilities to service francophone clients anyway.

1140

Mr Runciman: But there is no reason they could not; that is something that could be looked at as well. The federal legislation that was mentioned earlier, which is going to be coming into effect in February with respect to forensic patients, the criminally insane, have you taken a look at how that might impact on the hospital?

Ms Francis: We have had some discussions about that.

Mr Reil: Really, we have not. First, just in terms of our own situation, I am the principal of an elementary school in Prescott. That is a very demanding sort of job. Working on the board is a volunteer situation. The board meets every two months. The executive committee meets in alternate months, and I serve on the community relations committee that meets every two months. Very simply, there is a limit to what volunteers can do, how much time they can commit. Certainly you are raising important issues, but there are a lot of grass-roots details and concerns to be looked at.

Even though I have been on the board a year and a half, I still need a large amount of education as to what goes on at the hospital. We do spend a portion of each board meeting on updates from the chief psychiatrist on various things that are going on, or we ask him. For in-

stance, I asked him to please at the next meeting—this was a year ago—talk about electroconvulsive therapy.

Mr Runciman: If I can interrupt you, because we are limited in time, I am concerned that you have not taken a look at it. I think that legislation received final reading in October and comes into force in February. Are you aware that the hospital has made a submission for additional beds at the hospital for the criminally insane?

Ms Francis: Yes.

Mr Runciman: When were you made aware of that?

Ms Francis: I met with Pat on Thursday. He said at that time he was going to be meeting with you to discuss the possibilities.

Mr Runciman: But the board itself was not asked for any of its views?

Ms Francis: No. The timing was such that it came within a couple of days of him receiving the notice. I guess there is going to be some vying for those beds for other hospitals.

Mr Runciman: So the advisory board has no view on the expansion of forensic?

Ms Francis: This was discussed with me. I support it in principle based on the fact that it would bring \$1 million into the community. That seems to be one of the goals. There are two conflicting goals in Brockville. One is that we need to see a role for the hospital but we want to be selective about what those roles are. One of those roles, if it involves forensic patients, is not as palatable to the community as other roles it might play.

We are caught here and the community of Brockville has to look at what is the best decision: bringing money into the community or having fewer forensic patients there.

Mr Runciman: I agree.

You talked about community input. I gave you notice I was going to raise this issue prior to the start of the meeting. That is the letter former Brockville Mayor Clark, who approached me on the weekend and gave me a copy of the letter, sent to Mr Reil, posing a number of questions which reflected concerns in the Brockville community. That letter was sent in October, with five questions, all generally relative to the concerns about forensic patients.

He has advised me there has been no response to that letter. I am just wondering why you have not responded.

Mr Reil: As the letter was addressed to me, I suppose I should answer that. In holding our public forums, we invited members of the community, the various politicians and so on to have some input. We were asking for public input. In terms of the politicians, we received from our MP, our MPP, "Regrets, we are unable to attend" and so on. We did not receive anything from the city of Brockville until we were actually sitting in our forum and this letter arrived.

The letter has a whole series of questions. When we started our public forum, the first thing we said was, "We don't have the answers, but we are certainly looking for your concerns and your suggestions." Again, we pointed out the fact that we are unpaid volunteers. "We would like

to find out what you are thinking from all aspects from the community, from various agencies, from the political point of view and so on."

I do respect Stephen Clark. Had he run for mayor again, I would have voted for him just like that. But he does indicate at the bottom that after he gets the answers to our questions, he would be more than happy to take them up with the hospital but not with us. In a sense we can say we were a little bit slighted that he said: "I know you guys are a bunch of powerless ones. Here, give us what you think and we'll take it to the big guys for you." I decided that since he had not responded to our invitation as such—I was chair of the forums—we just would not answer the letter.

Mr Runciman: I can perhaps appreciate your feelings, but this is the mayor of a very large community and past president of the Association of Municipalities of Ontario. I think some of these questions are certainly relatively innocuous, such as, does the community advisory board have any power to influence government policy on mental health and questions like that. When you are dealing with the mayor of a major municipality, whether you agree with his approach or not, it seems to me you are in the role of representing the community. He is an elected official who represents a community of over 21,000 people, and in my view he merits at least an acknowledgement and an explanation as to why you did not feel it was appropriate to respond in detail.

Mr Reil: Maybe we are doing a bit of tit for tat, but in trying to make contact with the mayor in the past, there was no response. Yet at various political, opportunistic times, let's say that the hospital did take some kind of bashing from the municipality and from other politicians. As unpaid volunteers, I personally do not necessarily think we have to answer letters from the mayor or the Prime Minister or whomever. If you really want some accountability from us, we should be given a specific mandate of power and maybe, like the people who serve on the pesticides board, we should get \$31.20 an hour for every meeting we go to.

Mr Wessinger: I would like to go back again to this question of mandate, because I would like to be clear in my own mind what your position is with respect to your mandate. I hope you will not mind if I have some leading questions.

Mr Reil: It is Christine's turn to talk.

Mr Wessinger: I gather from your comments that you feel you can work satisfactorily within your existing mandate. Is that correct?

Ms Francis: That is a loaded question.

Mr Wessinger: Yes, it is. I thought it might provoke an answer.

Ms Francis: There have been times we felt powerless and there have been times we felt like we were scapegoats, that is, where things have happened and the question was asked, "Why didn't you do something?" when in fact we did not know it was part of our mandate to do it. I think there are certain changes that could be made that would

give us more legitimacy, so to speak. It is a tough position to have all sorts of accountability and no power.

Mr Wessinger: Then you would recommend that your mandate be re-examined and further defined?

Ms Francis: Yes. These are some of the requests we have tried to make.

Mr Wessinger: That is good. How have your dealings been in the past with the hospital administration with respect to when you do make recommendations? Has the response been generally receptive?

Ms Francis: I think because we were treading lightly, a lot of our recommendations have come in the form of questions and clarifications. We as a group have decided that at some point we could, on behalf of the hospital, write to the minister to ask for certain things. Historically, the issue around physicians from the community working on a part-time basis at the hospital is one that comes to mind where we have worked with administration to make recommendations to make their life easier as far as running the hospital is concerned. There is a team kind of thing. Are you asking if there is any resistance when we make recommendations?

1150

Mr Wessinger: I do not expect everything is absolutely perfect, but I am just wondering if you have a good working relationship with respect to the hospital administration, generally speaking. I know these are probably putting you on the spot.

Mr Reil: It is not putting us on the spot at all. From my own perspective, we have a very good working relationship with the administration in that we certainly dialogue on all kinds of issues. We make our suggestions, the administration discusses the constraints they have and sometimes we put the administration on the spot. We do not have compunction about doing that. Maybe Mr Runciman or other people are saying, "We don't want to put you on the spot," and certainly you are not putting us on the spot at all. We are quite happy to speak our minds and tell you the way we see things, because that is what the whole process is all about.

Mr Wessinger: That is right.

Mr Reil: We are very comfortable, and challenging questions are great.

Mr Wessinger: Good. I am pleased to hear that. Just moving to some financial aspects, I notice that the budget of the board has increased over the years from a very modest beginning. Is that more a bookkeeping aspect or is it in terms of real dollars? In other words, has the budget increased because some expenditures that were formerly picked up by the hospital are now attributed to the board or have there in fact been real increases in expenditures?

Ms Francis: There have been real increases. I do not know if you know how much it costs to put an ad in the paper, but it is big bucks. The more active we got, the more money we spent. We are very aware that this is what is happening and we are trying to be really responsible about that, knowing that on the one hand the hospital's money is being limited and on the other hand we are wanting

more money. Our board is unique in that we actually have a budget that is defined. We did that just to be responsible. Other CAPS do not; they are in the general hospital pot, so to speak.

Mr Wessenger: Right. This is just for my own information, because I notice one of your budget items was a CAB picnic for the community. Is that a new venture? Maybe you could just explain it to me, because I am quite interested in hearing what is the purpose of it and what is involved.

Mr Reil: This was a pet project of mine after sitting through a few board meetings and saying, "Geez, we're not doing anything." We decided that certainly public education and public information had to be one of the goals and we decided that if you could get people to walk on the grounds—I had lived in Brockville, five minutes from the facility, for about six years and I had never seen fit to set foot on it, or you would be maybe a little uncomfortable doing that.

We decided to have an open community picnic on the first Sunday of Mental Health Week. We got a lot of volunteer groups from Richmond, outside of Ottawa, gymnastics groups and so on, to come and put on free entertainment. We provided hot dogs, pop and candy floss. Well over 1,000 people came out to the grounds. God cooperated and gave us great weather.

It was a real experience for people to walk on the grounds and to sit on the park benches there. There were patients out walking around. You could tell the patients quickly: the ones who, if they saw a smoker, would come and get a cigarette. The relationship was very good, and we looked at that as a ground-breaking process to get the local community feeling comfortable. From that point of view, it was an unqualified success.

We are having the picnic again. It is either May 3 or May 10. Mr Runciman will be sending you an official invitation. We hope you can make it this year.

Mr Wessenger: Just one last question. You may not be able to answer this, because I do not know to what extent you are involved in—you say you do look at budgets, but I was looking at some budgets for other psychiatric hospitals and also comparing that with number of beds. Just to give you a comparison, for instance, you have 344 beds and your budget was \$42 million approximately. Then you compare that with Whitby, for instance, which has the same number of beds, more employees and a budget of \$38 million. Then you can also look up London Psychiatric, which has a \$42-million budget, or St Thomas, a \$42-million budget, with more beds. I am wondering if you are aware of the reasons it seems to be more costly on a per-bed basis for Brockville than some of the other psychiatric hospitals. If you do not know, just tell me. I was just curious if you had any idea.

Ms Francis: I have that list of comparisons as well. There are many variables that impact on that. I know the ACRP program is a costly one at this point.

Mr Wessenger: Okay. I have no further questions. I would like to thank you for coming.

The Vice-Chair: Do the Liberals have any more questions? If they do not, we will move on.

Ms Carter: I am interested in the advocacy and patients' rights side of this. As you know, the Advocacy Act, Bill 74, is in the works, along with several allied acts that impinge on health decisions and so on. First of all, I understand the one place that has had an advocacy system in place already is the psychiatric hospital. I wondered if you had any opinions as to how that is working.

Ms Duclos: The advocate's office works in the provincial psychiatric hospitals. They do not exist in any other hospital. Basically other hospitals have what they call patient representatives, who do absolutely nothing and who basically do not even know the Mental Health Act very well and have no real power to do anything.

One of the groups I work with in Ottawa has written a response to the Advocacy Act and Bills 108, 109 and 110. There are major problems with them in that usually when one puts out a piece of legislation, it has some validity to the people.

In terms of the patient advocate in Brockville, I know her. I think she is doing fairly well, with the limitations and the constraints on her, but there needs to be more.

Ms Carter: Could you enlarge on the limitations and constraints?

Ms Duclos: You are walking a fine line. You would have to go into a case kind of analysis. It gets very difficult. I work as an advocate in Ottawa. You can get stonewalled very quickly by a very powerful system.

Ms Carter: You mean the advocates themselves can become stonewalled.

Ms Duclos: Yes. They can come up against a brick wall very quickly.

Ms Carter: We have had a lot of input from two sides. The Friends of Schizophrenics in particular have strong views on this, as I am sure you know. The psychiatric survivors, on the other hand, have put the opposite view. I guess the core of the problem is, to what extent can you force people to take medications; this kind of thing. I am told that some of the treatment and the medication is destructive in the long term to an individual.

Ms Duclos: Yes. Part of what the survivor people want, and myself also, is real information about it. When you go into the hospital, you are not told about the destructive long-term effects of anti-psychotic medications. You just do not get told that. They say: "Here, take this. It'll make you feel better." We want informed choice, that we know that kind of thing. We also want the right of the individual.

Part of the problem with a large percentage of families—you find it in Canada and I found it at a conference in Vermont and with other people I have talked to in the United States—is that families can often work not in the interest of the person. Hopefully under the Advocacy Act we can get some protection for a vulnerable person to not have to be affected and to be able to get away from either side of it: if the system is the problem, to have some rights within it; if it is the family, to go the other way. It is very difficult.

Ms Carter: Are you familiar with the upcoming act? Do you think it is going to help with the present situation?

Ms Duclos: I have heard some interesting rumours about some changes that have been written in, or possible changes, since the draft I have. I do not know enough about it at this point, but if the rumours are true, I find it a very scary situation.

Ms Carter: Scary in what way?

Ms Duclos: We are going to lose a lot of rights.

1200

Ms Carter: Can you elaborate on that?

Ms Duclos: The thing is that we survivors want to act as our own advocates. We know the system; we know what is in there. The advocacy commission, yes, is great if that is the way it stays and we get survivors in there. But if it becomes a way of shifting and getting people outside of that with degrees and things like that to be our advocates, we do not want it.

Ms Carter: If you have looked at the legislation, the objective is to have as advocates people who have been themselves involved.

Ms Duclos: As I said, I have heard some rumours since I have been down here and I do not know enough about it yet.

Ms Carter: I wonder if this has any implications for the whole question you touched on of releasing forensic patients. There again we are looking at two sets of rights: the rights of the people of Brockville or wherever and also the rights of what is probably the majority of those patients to at some time achieve liberty, because most of them are not going to commit crimes again, although obviously a small number are. Do you have any opinions on how that could be resolved?

Ms Duclos: I think there is, first of all, a general impression by society that has to be dealt with, that is, basically all psychiatric patients are dangerous. We are not. Forensic patients, yes, have committed crimes. Somebody brought up the Lieutenant Governor's warrants and the changes that had to be made to them. Again, with the warrants there was a lot of power and a lot of control over the individual's rights and people spending two, three, four times longer in the psychiatric system than in the criminal system if they plead guilty. You have a problem there.

I think in the prison system there is a certain percentage they know are going to recommit crimes. Basically what people tend to be looking at from the forensic side in psychiatry is that it be 100% guaranteed people will not recommit a crime. The potential for anyone to recommit a crime is always going to be there and you cannot have a 100% guarantee. You can do your best to ensure safety, but you also have to remember that these are people and they do need a chance.

Ms Carter: The psychiatric staff obviously do not have complete insight as to who are the patients likely to be dangerous again and who are not.

Ms Francis: A little while back Brockville hired a risk management consultant team called Encon. They gave their assessment as to where things could work better but,

all in all, my understanding is that Brockville was doing a good job and that there are no guarantees. The best predictor of aggressive behaviour is past aggressive behaviour.

Ms Carter: I would have thought so. Do I have any time left?

The Vice-Chair: You have another minute.

Ms Carter: I am wondering about the system as regards medication and treatment. Would you say there is any problem of overmedicating or of overtreating people? Do the patients themselves have the ability to control that situation?

Ms Duclos: In terms of the medication, yes, there is overmedication, which is another area I have looked at. You can look at why you get some of the overmedication. Some people get helped greatly and some people have horrendous side-effects from it, and then they start treating the side-effects with more medications. The idea of being able to refuse treatment, at least when I was there, and I have heard similar stories since I left, is that if you refuse the treatment, they basically find a way to certify you and then they can give you the medication anyway. There is sort of a pathologizing: "This is a brain disorder so we'll fix it with a chemical." I think the whole psychiatric system has to re-evaluate itself and connect body and mind.

Ms Carter: Does your committee have any input on this kind of problem, or could it have?

Ms Francis: Our patient advocate is invited to our meetings on a regular basis. She presents to us her perspective on what her role is and how patients' rights are protected at the hospital. I think when you look at what Brockville does and the whole history of psychiatric treatment, there are very many facets. In the past patients had no rights at all. We are increasing the rights that patients have and we are getting cries from both ends of the spectrum. Psychiatrists come to Ontario and say they cannot work in a system where they admit patients and yet they cannot treat them, so they move to other provinces where the mental health acts are a little bit different.

Mr Reil: I just want 30 seconds to respond to Ms Carter. In terms of the same situation, as the person in charge of the public forums, I have had an approach from the patient advocate at Brockville in terms of holding a forum for patients, which we are looking into right now. We have also extended the invitation to OPSEU so that we can get an employee perspective on this too, the whole idea being that there is going to be a great, mammoth working together kind of situation that we are striving for.

Mr Runciman: I just want to make a quick reference to a comment Ms Duclos made about overdrugging. You said if they cannot—they will find a way to certify you as incompetent, I guess, is what you are suggesting. I find that a rather disturbing comment, and what you are doing is really condemning the process, if indeed that is occurring. You are saying the patient advocate is not doing, in this case, her job. Is the review board not involved in the certification of competence or incompetence?

Ms Duclos: Yes, what happens—when I was first admitted to that hospital it was eight months before I knew there was a patient advocate. The staff did not tell me, which

they were supposed to do, and the medication made it impossible for me to read, so I did not know there was a patient advocate. That is a common experience. But I think it really has to be evaluated; I mean, there are circumstances in or out of hospital.

A lot of the tranquillizers have, like, six-month maximum usage, which is passed every day. You know, people are on these medications for two, three, four, five, 10 years. The guidelines are from the Compendium of Pharmaceuticals and Specialties, the pharmaceuticals manual. Why is that happening? Also, they often surpass the maximum dosage recommended in the pharmaceuticals manual. So that is where you start getting the problem of overdrugging. It is just that people do not think about it; no one checks it.

Mr Runciman: What I am concerned about is your charge that they are finding ways to certify these people. You are sort of tarring everyone with a brush here, in my view.

Ms Duclos: No. All I am saying is that there are people within the system, good and bad, but there are people who use it as a power trip. This is unfortunate. The people I would like to hook up with are the ones who want to work for positive change. Those are the people I look for.

Mr Runciman: All right. I am still concerned about the comments you made and I wanted to make reference to them so that there was some challenge to them on the record, because I have a great deal of difficulty in accepting them. I know the court case, for example—I think it is *Day v Day*—where someone had been initially deemed competent, and at a point further in the process he was deemed incompetent. He challenged—his relatives did, in any event, and they said that if you were competent at one point and refused treatment, even though you were at a later stage deemed incompetent, they still had no right to treat you with drugs if at the point you were competent you did not want them. In any event, I think the patient's rights are pretty significant in this province, and I have a lot of—

1210

Ms Duclos: They are better than in some other provinces, but people also find there are some loopholes that have to be looked at.

Mr Runciman: It is tough finding another jurisdiction with patient rights like we have in Ontario.

I think this was raised by a couple of members of the committee: the old question of an advisory board with the current makeup and the fact that you have no staff resources, you do not have a big budget, you are all volunteers and you have to rely on a lot of input from, for example, the hospital administration. I am just throwing this out for discussion's sake, I guess; whether it would not be better, perhaps—and this may not be possible given the mandates of district health councils, but in your catchment area you have, what, three or four DHCs? Would it not be better, perhaps, to have an advisory board which, in effect, would be a subcommittee comprising representatives of all those DHCs, who would have the staff capability of executive directors and staff in each of those DHCs they could draw upon to give objective, hopefully, advice and input into the

process? Right now you really do not have the resources to do the job in that sense.

Ms Francis: You are right, and part of the objectivity we hope to gain—because we know we want to avoid this mushroom syndrome if at all possible, being kept in the dark, etc. One way to overcome that is to accept input from those people sitting around the table who are the resources the community advisory board, the CAB, has provided within the hospital, but also to let people in the community know that we are there so we get other points of view. We are happy the decision was made to include union participation on the board, because that is just another source of information. The broader our scope and our base of information, the better, more informed decisions we can make.

Mr Runciman: I have one quick question, and I talked to Ms Francis about this ahead of the meeting, and that was in respect to the murder that occurred in Brockville on the grounds of the hospital last summer. Mrs Sullivan had raised a concern about the fact that there is a lawsuit now launched by the family of the victim against, I guess, the hospital and the Ministry of Health and whether or not you might wish to respond to any of those questions in public. You said you would reply in respect to that question now.

Ms Francis: We discussed this among ourselves and we do not feel it is necessary to go in camera, because we do not know a lot of details around that. We would just like to say that it is unfortunate, because incidents like this, even though they are isolated, often have a tremendous impact on a community like Brockville and it just reaffirms the selective perception that people have about psychiatric clients or forensic clients. At this point, part of what I see as really positive is where the media take it upon themselves to help educate the public by identifying what the roles of review boards are. There were very positive pieces in the paper that helped educate the community to dispel some of the myths that forensic patients walk in and then walk out and have the community of Brockville as their playground.

Mr Runciman: One quick question, and I do not have a lot of time here. Most of these decisions, you say, are taken by the review board in terms of loosening a warrant or vacating a warrant and the community privileges a given patient receives, but where it does fall within the mandate of the Ministry of Health and within the jurisdiction of the administrator of the hospital, he has some flexibility in terms of monitoring.

The administrator has a responsibility, once that warrant is loosened, of monitoring that individual in the community. In this particular case, the administrator—and I do not fault the administrator; I think he was placed in an awkward situation by ministry policy. When they were looking for an approved person to escort the LGW into the community, the hospital staff recommended another former LGW who himself had been responsible for a murder, and Mr Lee, the administrator, signed that approval.

I think the community and certainly yours truly were very upset about the idea of a former murderer being qualified to be an escort in the community.

Of course we did have a murder occur, and we can all be Monday morning quarterbacks, but I had certainly raised that in the House with respect to that particular element. I think that if you are going to have approved escorts, they should not be individuals like that. If you cannot find a John Q. Citizen to do it, it should be a staff person who is escorting that individual in the community. I wonder if the board took a look at that, if you have discussed it, if you have made any recommendations to the ministry with respect to that whole approach.

Ms Francis: We discuss a lot of things on an informal basis, but we have not made a particular recommendation around that.

Mr Runciman: Why not?

Ms Francis: I guess there have been a lot of other things on our plate to this point. Perhaps we should put it on a priority list for discussion.

Mr Reil: Just in terms of the issues you are bringing up and the ones various other MPPs have brought up, these are just a few more things we are certainly going to add to our annual retreat agenda. We are viewing this experience as being like holding a public forum. We went to Toronto and held a public forum. We gathered a bunch of MPPs and they expressed some concerns and asked us some interesting questions. Certainly the issues that are brought up will be well discussed when we do take our one day a year and spend all day on a Saturday and look at topics. We are certainly appreciative of these sorts of inputs.

Mr Hayes: Of course you have already been asked this question a few times. On the issue of moving some of the facilities to Ottawa, for example, I know that Mr Runciman has concern there, and probably rightfully so if there happens to be a negative effect on that particular economy and on that community. But just from someone maybe on the outside, I guess it almost looked like kind of a bit of a power struggle, but I may be wrong there.

I really have to ask a couple of questions. First of all, would there be a real improvement in the service to people, to psychiatric patients, for example? They say, "Yes, fine, you can move it there," but I always think they should look at some of those things too. Is there a possibility on top of that of duplication, for example? When we talk about trying to look at innovative ways to cut costs, would this really cut costs? The only thing I really heard was the fact of the hardship of having to travel back and forth. I would like you to address that maybe more thoroughly, please.

Ms Francis: Are you asking whether the assertive program is more expensive and whether it would be duplicating services by having that in place?

Mr Hayes: I am really asking if it is because there are a fair number of people who are from Ottawa; is that really the main reason? Are things going to improve as a result of, say, moving some of those facilities to Ottawa? I will put it that way.

Mr Runciman: I think he is talking about the ACRP component, the psychogeriatric and others.

Ms Francis: Is it going to improve? I do not know. I would need a crystal ball.

Ms Duclos: I think you can get a little philosophical. We all have the right, ultimately, to choose to live where we want to and to be able to seek services in that area. For a certain percentage of people, going to Brockville may be required because they need longer-term. But spending a year living with 24 other people on a ward with staff telling you when to get up, when to eat, all this kind of stuff, is contrary to the idea we have of freedom. If you can have something like ACRP, there is not really an equivalent that is Ottawa-based.

One of the ideas that came up in the retreat I went to was to keep that base still in Brockville, but I think the role for Brockville is going to change in the future to meet more specialized programs—rather than this broad "somebody who needs to stay in hospital for a long time." Most of the evidence shows that on average, long-term stays are not the most effective way. I think they have to look at shifting possibly into other areas of specialty that may require shorter-term lengths of stay but are very specialized.

1220

They have very successful drug and alcohol programs, but they are that is lacking in Canada, in Ontario. We need more of those programs because we keep sending everyone down to the States to do a lot of the drug and alcohol programs. I would say there is going to be a change. As I said earlier, there is a spectrum. I think people are going to have to shift around and find a new role.

Ms Francis: I think there are not always guarantees that if you change something, it is going to be better. We have to be careful not to throw the baby out with the bathwater. There are some good things that go on. One of the things that sometimes concerns me is patients leaving Brockville Psychiatric Hospital and going into the community, but that community is just a mini-institution, like a boarding home, where there is no improvement, really, where the freedom we want, the closeness to the community we want, does not happen because the isolation occurs, just on a smaller level. The actual movement of people does not ensure anything. There has to be a well-organized, coordinated multi-disciplinary program in place along with that.

Mr Frankford: Just around hospital governance, the observation I think has been made that in a sense you are psychiatric regional planners, and maybe that role should be a DHC role. But then I think you would probably be left with the hospital, and historically, Ontario hospitals had boards. Would you see some way in which you could turn into something more like a conventional hospital board?

Ms Francis: There is a real move out of Toronto, I think, towards that end. Toronto psychiatric hospitals, Queen Street specifically, have been really—this was suggested and recommended to the previous minister. I do not remember what minister it was.

The Vice-Chair: Ms Gigantes?

Ms Francis: No, way before.

Mr Runciman: They were talked about for years.

Ms Francis: They were talked about for years. At that time the minister—I know it will come to me in a flash—said, “It is not in the plans of the ministry at this time.” This was a quote that was sent to us, and that sort of shut the whole discussion around divestment.

Mr Frankford: Could I ask for a bit of research on that topic?

The Vice-Chair: Yes, you can ask for whatever you would like them to provide.

Mr Frankford: No, from the researcher.

Ms Francis: The minister was Elinor Caplan; I just remembered.

The Vice-Chair: Do you have any comments to make?

Mr Runciman: Not at this time.

The Vice-Chair: Not at this time, fine. Thank you.

Ms Duclos: I do not know if it is appropriate to make a comment in such a setting. I just would like to say that as a consumer/survivor, being on this board gives me some sense of hope that at least we have some access to the administrator, to the information. I can get access to information about things that are happening at that hospital, how they are going, what their directions are and I find that very useful.

Right now I am on a search for information. The big lack right now is information from OPSEU, what it wants, aside from what is obvious. I think that in many ways it is a good thing and hopefully the community will know we are there and it will grow. I can see a great potential for furthering the role. I just want to say that.

The Vice-Chair: I hope your input on the board will serve a very useful purpose for the advisory committee. I want to thank the community advisory committee from the Brockville psychiatric facility for appearing before the committee today. Thank you for your input.

The committee adjournrd at 1226.

CONTENTS

Tuesday 28 January 1992

| | |
|--|-------|
| Agency review | A-797 |
| Brockville Psychiatric Hospital Community Advisory Board | A-797 |
| Chris Francis, chair | |
| Robin Reil, vice-chair | |
| Jacqueline Duclos, member | |

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Wednesday 29 January 1992

Journal des débats (Hansard)

Le mercredi 29 janvier 1992

Standing committee on government agencies

Appointments review

Comité permanent des organismes gouvernementaux

Révision des nominations



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Table of Contents

Table of Contents for proceedings reported in this issue appears at the back, together with a list of committee members and other members taking part.

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Table des matières

La table des matières des séances rapportées dans ce numéro se trouve à l'arrière de ce fascicule, ainsi qu'une liste des membres du comité et des autres députés ayant participé.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 29 January 1992

The committee met at 1005 in committee room 2.

APPOINTMENTS REVIEW

Resuming consideration of intended appointments.

CLARE BRENNER

The Chair: Can we come to order, please. We are a little short of time so we will get under way.

Our first witness is Clare Brenner. Clare is an intended appointee as a member of the town of East Zorra-Tavistock Police Services Board. Mr Brenner, welcome to the committee. You have been selected for a half-hour review. That is 10 minutes allocated to each party. I will give you up to a minute, if you wish, to say something before we get into questions. Would you rather just move right on to questions?

Mr Brenner: Just go right ahead. That is fine.

The Chair: Okay. We will begin with the official opposition. Mr Grandmaître.

Mr Grandmaître: Mr Brenner, tell me all about your community. You seem to be a very active and very community-minded person, so tell me about your community and what you know about the police services board.

Mr Brenner: The community is roughly 2,500 people. I would say that probably 50% of the community is elderly people, like a retirement community. Mind you, that ratio is probably changing.

As far as the police services board goes, I applied for this position through an ad in the paper. It is going to be a learning experience for me. I have not sat on a board like this before. I presume at this time the job of the board would be to aim for unity between the community and the police department, not saying there is not that there now, but that would be one of the main concerns of the services board.

Mr Grandmaître: How would you describe your police force at the present time?

Mr Brenner: Being a small community, I would say the police department now and the community are very close together. A small community looks at its police department as members of the community, whereas in larger cities such as this you do not know everybody. In a small community everybody knows everybody.

Mr Grandmaître: What would you say are the most serious crimes that are committed in your community?

Mr Brenner: The most serious crimes right now are probably break and enters. There is a limited amount of drugs, but those basically are the most serious crimes, I would say, in a small community.

Mr Grandmaître: What is the relationship of your police force with young people in your area?

Mr Brenner: The police force in our town puts a lot of time in. They hold bike rodeos for the youth in the

community. They have one officer who goes to the school and instructs the kids on drug abuse—I know my own boy took the course—and they put in a lot of time with the youth of the community.

Mr Grandmaître: Police forces are being criticized right across Ontario for their brutality, not only the way they handle visible minority people, but in general. Police forces are perceived at the present time as not being too friendly with their communities, with their citizens. Do you think it is only a perception and it is not a reality and it is not happening?

Mr Brenner: I would not say it is not happening, but I think no matter what you do, whether it is being a police officer or anything, you are going to get criticism from somebody, somewhere all the time. You are not going to please everybody all the time, but I do not think it is as bad as everybody is saying.

Mr Grandmaître: I am sorry. I do not have my complete notes, but the total budget for your police force is \$250,000 for six officers, three uniformed and three others.

Mr Brenner: Three auxiliary.

Mr Grandmaître: Three auxiliary. Do you think your township council should have a bigger say in police budgets? After all, it is quite a large sum of money. Do you think the township should have more of a say?

Mr Brenner: I think the services board and the council should be able to work together. I know that personally, being with the fire department, right now the council is looking at a 10-year budget to project what kind of money it is going to need over the years, but I do not see any reason why a services board and a council cannot work together. They have their opinions and I have my opinions as to how much money it should cost, but the idea is to work as one and not work against each other.

Mr Grandmaître: So there is not a problem in your town of city council versus the police services board or the police force. That is not a problem in your town?

Mr Brenner: I do not see any problem there at all.

Mr Grandmaître: That is good news.

Mr Callahan: There is a bit of a furore caused over the non-swearing of allegiance to the Queen. What would be your position on that if you were a member of this board?

Mr Brenner: There again, each person has his own opinion. My opinion is that they should be able to swear allegiance to the Queen, but each individual has his own opinion and you have to respect that opinion.

Mr Callahan: To your knowledge, are there women who are interested in becoming police officers in your community?

Mr Brenner: I would not say there are not, but I cannot remember how many years it has been since we hired the last officer. I would say it is probably 15 years since they hired a police officer, so sure, there is probably interest, but there are no positions available at this time.

Mr Callahan: I gather your community is fairly small. Is there an indication of cultural mix there as there is in other communities throughout Ontario?

Mr Brenner: As far as other cultures are concerned, there is a limited amount. The only way I ever see them is mainly through my own kids and the other kids in the neighbourhood, and there is no prejudice to my knowledge whatsoever. I am not saying that some place in Tavistock there is not someone who is prejudiced, but it would be a small amount.

Mr Callahan: You are aware that the former Solicitor General announced that all police forces would have until 1 May 1992 to implement an employment equity scheme. Has your community, to your knowledge, moved along with that and will it be able to meet that?

Mr Brenner: Right now I imagine council has taken steps in that direction, not only in employment equity. I know East Zorra-Tavistock was one of the first places that actually took the first steps towards pay equity. The one thing with the mayor we have there is, when it comes to something like this, she is—probably the proper word is not “a pusher,” but she is one of the first ones to take those steps. So I would imagine that yes, they have probably looked into it.

Mr Callahan: Finally, I note in your curriculum vitae that you have been a volunteer fireman for 19 years. How many officers are on your force?

Mr Brenner: Right now the township of East Zorra-Tavistock has a chief over top of the township. Our department has one chief, one deputy chief and two captains.

Mr Callahan: They have been there for some considerable period of time?

Mr Brenner: The chief himself has been there probably 25 years. I have been there 20 years this year. Right now our department is fairly young. I would say after that we quickly drop down to guys who have been there eight years, five years and less.

Mr Callahan: Coming from a community that is relatively small in size, do you know these people quite well?

Mr Brenner: Yes, very well.

Mr Callahan: Do you associate with them on a social level, being a volunteer fireman?

Mr Brenner: Some of them, yes. One guy, for example, is my next-door neighbour.

Mr Callahan: Obviously you are aware that one of your functions, I believe anyway, would be in terms of any complaints that were filed against these people by members of the community for whatever. Would you have any difficulty, because of that relationship, in being able to deal with these matters in an impartial, detached way?

Mr Brenner: No, I do not feel I would. Even right now as a volunteer firefighter, if we have problems in the

fire department, and everybody has problems once in a while, I have no problem. If my next-door neighbour was under me at a fire, I would have no problem disciplining him, or if he deserves credit, I would give him credit, whatever. I do not see any problem at all.

Mr McLean: Are there any females on the police services board now?

Mr Brenner: Not to my knowledge, no.

Mr McLean: Do you know who the chairperson of the board is?

Mr Brenner: We do not have one at this time because it is a new board being set up.

Mr McLean: This has not been functioning?

Mr Brenner: No, it has not.

Mr McLean: With respect to policing in Ontario today—and I find the crime rate increasing at an astounding rate—do you feel the police should be one of the key areas that should be looked at in all budgets with regard to making sure they are fulfilling the duty they are expected to? I am a firm believer that you can maybe cut recreation or something, but we should be increasing our police forces instead of decreasing them.

Mr Brenner: I think the police forces are a very important part of our society. I also have to agree that there is no way you could reduce your policing. Right now even in a place the size of East Zorra-Tavistock our police department is probably doing as much as it can with what it has. If the workload became any heavier, then it deserves more help.

Mr McLean: I know the OPP in Ontario is really upset with the understaffing that appears to be in a lot of the forces. It is a great concern to me because we see the forces actually having less staff because of the freeze in hiring, and here we have more crime. God, I think we are going in the wrong direction. Getting back to the specifics, would you be looking at an increase for the police in East Zorra-Tavistock?

Mr Brenner: Are you saying an increase in the number of men?

Mr McLean: Correct.

Mr Brenner: It would be something that I and the other members of the police services board, along with the chief of the police department, would have to sit down and talk about. Because this is just a new board, it is something the chief himself would know more about than I do at this time, but I do agree that the problem is there.

Mr McLean: I wish you well.

Mr Frankford: Can you clarify? This is a completely new board?

Mr Brenner: Yes. It has never been set up. In fact, myself, the other member who is here today and the mayor of the community are supposed to be, after confirmation, the members of the board. But up to this time they had what they called the police commission and it was just basically run by the council of East Zorra-Tavistock. I think there were three members on it from council. This board has never met to this day or anything.

1020

Mr Frankford: Is this some new piece of legislation? Do you know how it was created?

Mr Brenner: I believe it was legislated. I do not know. I only applied through an ad in the newspaper. I cannot really tell you for sure, but I think it was legislation that came into being.

Mr McLean: I can explain that for you, sir, if you would like.

Mr Brenner: Yes.

Mr McLean: The reason the board has not been functioning is that when the old members retired, there has been nobody reappointed. It has maybe taken a year to do that and now the reappointment is going to bring the board back up to its numbers.

Mr Frankford: So there was a board?

Mr McLean: Was there not a board there?

Mr Brenner: There was what they called a police commission, yes, and it was two members of council, I believe, and the mayor herself.

Mr Frankford: And there are now going to be three?

Mr Brenner: Now there will be three members again. The chief of police, two citizens, if you will, and the mayor herself will be the new commission.

Mr Frankford: Is the chief a member of the board? He will be there.

Mr Brenner: No. He will be there, though, because they are who you are working with.

Mr Frankford: Ex officio.

Mr Brenner: Yes.

Mr Frankford: But nobody said, "Okay, we need a police commission." There had been some sort of police—

Mr Brenner: Oh, yes.

Mr Frankford: All right. Do you have any thoughts on the efficiency of having a police commission of that size for a community and a police department of the size you are?

Mr Brenner: Yes. It is like any other job; you have to have an overseer. I guess with your job, my job, there is always somebody a little higher up who has to make sure things are operating properly.

Mr Frankford: I would say that this is a striking contrast. I am from Metro Toronto, where there are seven police commissioners for two million people and you have three for 2,500.

Mr Brenner: I see your point, but there again, there are problems everywhere. I realize that in a city this size, maybe you should have more. Do you know what I am saying?

Mr Frankford: I think I do. The crime that you mentioned, you said break-ins—

Mr Brenner: When I say break-ins—I cannot rule out bank robberies, because we did have one in the last year, but that would probably be the most serious type of break-in we have had.

Mr Frankford: What about traffic—

Mr Brenner: Everybody has traffic accidents and traffic violations.

Mr Frankford: Yes. Is that a significant part of the police work there?

Mr Brenner: Yes, it is a part of any police job anywhere. If you said, how much time does it take up of their time, I cannot really tell you, say, if it is 50%. Besides just doing traffic violations, they are also, like I say, out working with the community. When you have a small community, they are very close-knit.

Mr Frankford: I presume as you get more into the job, you will be looking at allocation of resources and get a better sense of that.

Mr Brenner: Yes. It is hard for me to say, because I have never done this before. This is what they do, like 50% traffic violations and 50% with the youth of the community, I cannot answer that.

Mr Frankford: Do you have any sense of the relative importance of domestic disputes, domestic violence, in the sort of problems the police have to handle there?

Mr Brenner: No doubt there probably are, and knowing the three officers we have in East Zorra-Tavistock, I have no problem in assuming that they probably handle them very well.

Mr Frankford: But at the present time you do not have any firm thoughts on where the priorities should be or what things are going to come most to the attention of the police?

Mr Brenner: I would say no, not till I get into it more. Like I say, this is all new to me.

Mr Hayes: There is one thing here I think should be clarified. Mr McLean said that there was a lack of appointments and there was a gap in there. I do not believe that is really the reason at all. I think the reason is that the police services boards in Ontario were formerly known as police commissions and now they are governed under the Police Services Act. I think what we are doing now is fulfilling the obligation of that particular piece of legislation.

I have one question dealing with employment equity. I would actually like to hear some of your comments, because if you are talking about just dealing with your community, I know across this province in the small communities the police officers are not necessarily hired from that specific community, so it would not necessarily be an issue of saying they have to meet certain requirements right here in this community, like for women and other minorities, visible minorities, that have to be—

Mr Brenner: Right. Equitywise, I guess the first concern would be, say, hiring a woman police officer. As far as talking minorities is concerned, when you are talking other groups in East Zorra-Tavistock, you are probably talking less than 1%, and when you are talking about where the police officers came from, even in East Zorra-Tavistock, none of the officers who are there now were originally from East Zorra-Tavistock.

Mr Hayes: That is what I was getting at. Even to meet that need for employment equity, it would not be based on

what the population there is, because you may be hiring that person from somewhere else in Ontario.

Mr Brenner: From Metro Toronto or—right.

Mr Hayes: Yes.

Mr Brenner: I guess I have answered your question.

Mr Hayes: Yes, and I just want to compliment you on your community activity. I think that is very great and we need more people like you.

Mr Brenner: Thank you.

The Chair: No further questions from the government party? Mr Brenner, that concludes the questions. We appreciate your appearance here today and wish you luck.

Mr Brenner: Thank you for your time.

1030

MICHAEL J. SULLIVAN

The Chair: The next witness is Michael Sullivan, who is also an intended appointee to the East Zorra-Tavistock Police Services Board. Welcome to the committee, Mr Sullivan.

Mr Sullivan: Good morning.

The Chair: You are also a selection of the official opposition for review today, Mr Sullivan. We are going to go to Mr Grandmaître to begin the questioning.

Mr Grandmaître: Mr Sullivan, going through your CV I see you are a member of the Optimists Club. I know, being an Optimist—

Mr Callahan: I thought you were a pessimist.

Mr Grandmaître: —a member of the Optimist Club, we are very interested in our youth and in promoting youth. Do you think your police force is doing enough to work with your youth community groups, and what extra work should they be doing with your youth communities?

Mr Sullivan: First of all, Oxford county itself started a program called VIP, which stands for values, influences and peers. I think it is about a seven- or eight-week program taught at school, and one of our police officers is assigned to appear regularly. In grades 5 and 6 they deal with items such as drug abuse, how to say no. With the police officer, they go down to the local courthouse in Woodstock to see what happens in a court case. The police officer also goes with them to the hospital to see what happens in an emergency case if a person overdoses. They show them the equipment they use.

For a small community like ours, the police are very high profile. I know at least one officer we have seems to be assigned to community service work—not that all three of the officers are not able to respond, but this one officer, Constable Rudy, appears to be assigned to doing community work. I would suggest, since I have been living in Tavistock for eight years, this program the county sponsors but is being conducted locally by our local police force and our teachers has worked well.

Along with that program, we also have Police Week in Tavistock, as all the municipalities do, where we introduce our children to what could happen on the street. Either our local police force or an RCMP officer will come in and introduce our children to what drugs may appear to look

like on the street. I think our police force has a really high profile among the children in our area.

Mr Grandmaître: How did you find out about this vacancy on the police services board?

Mr Sullivan: I was talking to a member of our previous council, who informed me that in fact it would no longer be council members' duty to form this police commission. I then responded to an ad in the local newspaper and submitted my curriculum vitae to the Solicitor General's office, and that is how I became aware of it officially.

Mr Grandmaître: Do you know what the total budget of your township is?

Mr Sullivan: I could not tell you, sir, no. I understand from listening this morning that our police budget is about \$260,000. I really could not tell you what our budget is.

Mr Grandmaître: With the new changes, now it is called a police services board and not a commission. Most municipalities in the province of Ontario have a tendency to criticize police commissions, or service boards now, because in some municipalities, 80% of the budget goes towards policing. City council, at least mayors, are saying that they do not have much of a say in policing or its budget. Do you think it is fair that municipal councillors or city council should be tax collectors for a budget they have very little to say on?

Mr Sullivan: I believe that the province of Ontario decided upon the police services board, and whether that be right or not I have no say in. The board was constituted by law, and I believe that the board is going to be—I guess high profile, you would say—in any municipality when it comes to determining budgets and policing matters. I do not think there is a problem, whether you are a police services board member or a member of town council. I do not think there is that problem. We are going to be responsible for making sure the budget that is set by this police services board is adhered to, and I think that is going to be one of our primary obligations, to assure the council that we can adhere to something that is structured.

Mr Grandmaître: But you realize that when the police services boards are planning their budgets or drawing their budgets, municipal councils do not have much of a say in the structure.

Mr Sullivan: Yes. I agree with you, and I think we certainly have to be fiscally responsible. As we take a look across the province at what the government of the day has done as far as wages are concerned in the province, fiscally I think we have to be responsible. I think that is what this board is going to have to do.

Mr Grandmaître: Good. Good luck to you. I will pass on to Mr Callahan.

Mr Callahan: Just a few questions, Mr Sullivan. It is going to be similar to a question I asked the other gentleman. Do you know the police officers in your community quite well?

Mr Sullivan: Not on a personal basis. I know of them from working, yes.

Mr Callahan: You do not socialize or anything with them?

Mr Sullivan: Not with the police officers. I have had a social couple of hours with the police chief, but other than that, no. I do not go golfing with them, I do not bowl with them and I do not go over to their houses on a regular basis.

Mr Callahan: All right. You would not have any difficulty then, if some allegation was made, to be prepared to judge the matter in a fair and independent way?

Mr Sullivan: I can say this morning, sir, no, that would not be a problem.

Mr Callahan: Those are my questions.

Mr McLean: First of all, I want to correct the record for myself. I had indicated that I thought this was already a police services board that was appointed, and obviously it was not; it was a committee of council. The new Police Services Act now requires that any municipality that has its own force has to have a police services board. I just wanted to say that I was wrong when I was speaking. There was a board that had already been there.

You do not see any conflict of interest working for the government if you are appointed to the police services board?

Mr Sullivan: No, sir. As a matter of fact, in my position with the LCBO as store manager I am responsible for setting budgets, staffing requirements, making sure quotas are upheld. I do not believe there would be a conflict with my setting a budget for the police department or ensuring that the police department follows the Police Services Act.

Mr McLean: Could I have your comments with regard to the issue I raised with Mr Brenner with regard to police servicing across the province, where there has been a freeze on hiring? The problem we have is that there are still police officers who are retiring. Our force seems to be depleted. I have talked to superintendents and they are very upset because they are understaffed. What comments do you have in that line? What should we be doing in Ontario, not only with regard to East Zorra-Tavistock, but to policing across the province.

Mr Sullivan: First, sir, if I could address the policing in East Zorra-Tavistock, I suppose since I have resided there since 1984 the community has grown by quite a number of people or families. I think one of the responsibilities the police services board will have is to determine the amount of policing required, to (a) determine if we have the right number of people and (b) take a look at the equipment we have, whether it be the police vehicle or the communications equipment they use and determine whether that needs updating or if the numbers we have on staff at the police force are proper. That is going to be something that should probably be dealt with first of all. That is locally.

Provincially it is a tough call. I know what we are. Actually, we are surrounded by some police forces. South of us is Woodstock and north of us is Stratford. We are serviced by the OPP in Sebringville also. I really cannot

comment on whether they are short of people and I do not want to predetermine their staff shortage or overage.

If you pay attention to the media of course, it would seem that a number of police forces are saying that they require more staff. I do not have those figures. I do not know what the figures they use to determine staffing are. I really cannot comment on it, but I think that will be one of the first jobs for a board member, any member, to determine the staffing requirements for East Zorra-Tavistock.

Mr McLean: I wish you well.

Ms Carter: I am interested in the question of job equity, which was raised before. I understand that in your area that means having a representative number of women and other minorities in the area. I am just wondering how you see the position of women in the police force. Do you think there are some advantages, some things that maybe women could attend to better? For example, are there a lot of domestic calls where maybe it would help for them to be involved in? Do you see women police as able to do everything the men do and to move through the ranks in the same kind of way a male police officer would?

Mr Sullivan: I believe that if police officers are qualified and go through the academy, whether they be male, female, black, white, Indian or Anglo-Saxon male, as long as they pass the qualifications of the police academy, they are police officers. Once you pass that, I do not think there is a big barrier, whether you are male or female, when you go to any call. You are an officer, you have a job to do, and I have never heard of someone who has thought less of a police officer because she was a woman. One expects that she performs her duties as well as anybody else.

As far as employment equity goes, it is a program that is legislated by the government. I would suggest to you that if an opening appeared in East Zorra-Tavistock, the police services board should and, I suggest to you, by law would definitely make sure every opportunity is given to hire under the employment equity act. There would be no doubt in my mind.

Ms Carter: What kind of pattern of crime and problems do you have in your area?

Mr Sullivan: I suggest that most of the reported crimes are probably break and enters as well as charges under the Highway Traffic Act. We read a lot in the paper about people drinking and driving. Those are a number of charges. The police department would have these records, guarded of course, but I am not aware of any major domestic problem in Tavistock. Certainly if you go to the local restaurant in the morning you would know about it, but as we sit here I think probably the busiest time for the police officers in Tavistock is laying charges under the Highway Traffic Act and break and enters.

Ms Carter: One final question: As you may know, there has been a new regulation with regard to political involvement by police which broadens their opportunity now. If they are not in uniform and not on duty, they can engage in most political activity. I just wondered if you had any comments on that.

Mr Sullivan: Not really. As a civil servant for many years, I could not go out and publicly put a sign on my

lawn supporting someone. Since we have had that opportunity as civil servants I have not done that anyway, so I am hoping the police department would be objective. I do not really think that to do their jobs we have to care about who they vote for. I do not think that is a problem.

Ms Carter: Do you think that might cause problems in a small community, as opposed to in Toronto where people are maybe more anonymous?

Mr Sullivan: I do not think so, no. I do not think it would have any bearing on whether the chief of police supported a member of the opposition or a member of the Parliament of the day. I do not think that really matters. He is there to do a job.

Ms Carter: As long as he keeps it out of his job.

Mr Sullivan: Yes, exactly. I would not suggest that he buy a metallic sign supporting a party and stick it on the cruiser.

Mr Callahan: That's a good idea.

Mr Sullivan: Notwithstanding that, I do not think it would interfere with your job, no.

The Vice-Chair: Any further questions? If there are no further questions, thank you, Mr Sullivan, for appearing before the committee today. We are pleased to see you here.

The next candidate is on her way and is not here yet. I am wondering if we could have a five-minute break. Do not go too far, because they are usually a little early. Recess for five minutes.

The committee recessed at 1044.

1051

HEATHER ROSEMARY BROADBENT

The Vice-Chair: We have with us now Heather Rosemary Broadbent, an intended appointee to the Conservation Review Board. Welcome to the committee this morning. We have half an hour for the review. If you have any opening statement you would like to make, you are quite welcome to do so at this time. If not, then we will—

Mrs Broadbent: No. I am pleased to be here. I am hoping this appointment will go through. I am looking forward to it.

The Vice-Chair: The official opposition asked for the review, so we will start with Mr Grandmaître.

Mr Grandmaître: Do you think most of our municipalities in the province of Ontario do not really understand or appreciate the Ontario Heritage Act or have very little respect for it?

Mrs Broadbent: Actually the act is very old. I am very pleased to see that it is being updated. It is not a case of municipalities not understanding it. I think they realize it does not have a lot of teeth. May I go on?

Mr Grandmaître: Yes, absolutely.

Mrs Broadbent: One very fortunate part about the act is that because it was in place in the mid-1970s all new provincial land use legislation and local municipal plans now have heritage conservation clauses. The odd thing that has happened is that the newer legislation is a little more

positive in protecting our cultural and natural heritage than the act which spawned the better clauses in conservation legislation. Consequently, bringing the act up to date now is very timely. A lot of municipalities have been concerned it is not strong enough.

Mr Grandmaître: I realize it has to be updated but in my day most municipalities did not appreciate the act, for a number of reasons. One of the reasons was the cost involved, because when a home, business or commercial enterprise was considered to be heritage or had heritage or architectural values and was so designated, the owner of that property could not do very much in renovations and so on. If you wanted to renovate that property, you had to respect the heritage values. Most people wanted to get rid of these buildings because of the cost involved. I am talking about properties being designated in municipal official plans, right?

Mrs Broadbent: Yes.

Mr Grandmaître: Do you think that when a municipal property is identified or designated as heritage it should be expropriated automatically?

Mrs Broadbent: No, I do not. Although I have worked a great deal at the provincial level in my involvement with provincial organizations, I work at the local level and I can only speak with a great deal of authority about large rural municipalities. We have found that owners seek designation, not just because of the grants, but because it enhances their real estate value. I appreciate that if these buildings were not standing in the country but were in larger urban areas, the land they are sitting on might be worth a great deal more than the actual unit. Yes, you are right: then we run into a problem.

I believe a new heritage act will probably have a scale determining whether a building is of extreme importance and therefore expropriation or something might be more appropriate. However, if the buildings are of a lesser importance in scale, than obviously other methods of solving them which do not take away owners' property rights must be found. I believe a rewritten act will embrace this.

Mr Callahan: You will forgive me if I ask first—your name is quite well known, and I just want to know whether or not you have any relationship to Edward.

Mrs Broadbent: None. I am not related to Edward Broadbent. I do not know whether that is a minus or a plus, is it.

Mr Callahan: It probably would get you—it is kind of like my name, Callahan. In my former life, every time I called the Attorney General's department, I would say, "It's Mr Callahan." They would immediately put me through to anybody I wanted. They thought I was Frank Callahan.

The next question I would ask you is about an incident which arose where I guess London council had designated a particular historic site in London, on the Talbot Street block. I do not know whether you are familiar with that. The 180-day waiting period was scheduled to run out and a member of the Legislature passed a private member's public bill to require that a building permit be obtained by the developer before they could demolish the building.

That is a fairly significant intrusion into the rights of a property owner.

If you had the ability to write amendments to the act, would you envisage that type of power being designated to municipal councils?

Mrs Broadbent: In fact, there are other municipalities that do have that power now. It is locally introduced—not in the municipality that I live and work in. However, I would like to point out to you that in some cases owners of historic buildings have fought for and obtained demolition permits and then the site has been vacant for a very long time, usually in the middle of an urban area, looking desolate and run-down.

Perhaps thinking of it in the wider light, it might be an appropriate idea to know what that site is proposed for, if the future use is a viable and important use to the economy of an urban centre, and that the demolition is not merely for demolition's sake without a future use envisaged. Forgive me. I am not saying the new act should in fact include this, but I am suggesting that local municipalities may very well have a good point when they would like to know what is going to happen should the building be demolished.

Mr Callahan: I had not thought about your point as to whether a parking lot is more desirable than a heritage building continuing on the site. I suppose what you are saying is that if that provision or power were given, there should be some guidelines in the statute regulating the council's decision to withhold the permit. I would be concerned that without those guidelines, council could use this as a quiet form of expropriation without compensation. In other words, they could extend the 180 days simply by refusing to grant a permit unless there was some form of guideline they had to follow so that a party that wanted to challenge it could in fact challenge it effectively and obtain a building permit if it were appropriate.

1100

Mrs Broadbent: Yes, I think that would be very fair.

The Chair: Mr McLean, do you have any questions?

Mr McLean: I have a couple. Do you still work for the town of Caledon?

Mrs Broadbent: Yes, I do.

Mr McLean: Super. I have read your résumé and looked at some of the contents in it, and you are really qualified for this appointment. I have tried to get a heritage bill through the Legislature for about the last six years to have the third Monday of February declared a holiday. Private member's bills do not always go too far in the Legislature, but I have certainly made the people aware of our heritage, our past, and—

Mr Callahan: Why do we do them?

Mr McLean: I do not know why we do them, but they are done. I think it makes the people aware of what your feelings are and the great heritage that we do have here. Is there legislation being amended now to change the act?

Mrs Broadbent: Yes, there is.

Mr McLean: Have you had any input into that legislation?

Mrs Broadbent: Yes, I have. For a few years before this present effort I belonged to and still belong to a number of provincial organizations. My input is going through those organizations, and on Friday I will be at a forum about the new legislation.

Mr McLean: Right. That is super. I see all the organizations that you belong to, and it is tremendous. I wish you well. I know you will do a good job.

Ms Carter: You do have a long and impressive history of involvement with this kind of issue. I wonder if you could tell us a little about that and about the different aspects of heritage like archaeology, natural rural heritage, not just old buildings, and also why you think it is important, why it has been important to you and why you see it as a public issue.

Mrs Broadbent: I feel very strongly that it improves our quality of life to appreciate where we have been and where we are going. The interest in natural heritage is not new, but really has come to the forefront in the last four or five years when I have been the chairman of the natural heritage committee of the Ontario Heritage Foundation. That gave me an opportunity to meet a lot of people who have been actively involved in natural heritage conservation through the years. I suspect that 25 years ago we thought they were part of the lunatic fringe, but time has proven them to have understood and known what we all should have understood a lot earlier.

There are some very interesting people in that field. They care and they are dedicated and already, very slowly, the environment in which we live is improving. Canada has a great responsibility because we are such a large country. Things we do here will have wide-reaching effects.

With the cultural heritage, I expect the members have noticed that I have a rather distinctive accent and that my interest in history is attributed to that. That is quite untrue. I have indeed always been interested in history and geography, but it took my arrival in Ontario about 23 years ago to bring that to a head. I discovered very quickly that I was descended from or connected to founding families in Mississauga, in—

Mr Callahan: Any in Brampton?

Mrs Broadbent: Connections? Yes, at the lower end, which is just in the area of the border between Caledon and Brampton, and in Peterborough, in Dummer township, and then their sons moved up to Bruce. I must admit that it really does do something. My own grandfather was born on Queen Street. This interest in history started rather dramatically at that point.

I was very fortunate. Because I have always been prepared to put my back where my mouth is, I quickly became acquainted with people who were doing things in the cultural field, and have followed that through.

Ms Carter: Great.

Mrs Broadbent: With the archaeology, I helped the University of Toronto and York University with their field projects and discovered I had an aptitude for identifying areas which native people probably inhabited, particularly in the Caledon area. Eventually the professionals urged me

to get my own licence. I have held an archaeological survey licence since 1981.

Ms Carter: I have been here about as long as you have, but I do not have any connections here.

Mr Callahan: You have lost your accent, though.

Ms Carter: You can tell me afterwards about the Peterborough one, because that is where I live.

Mrs Broadbent: I would love to.

Mr Callahan: You have lost your accent.

Ms Carter: Not altogether. In England the accents are all over the place. You can move 50 miles and they are quite different.

The Chair: Are you finished, Mrs Carter? Mr Hayes.

Mr Hayes: Mrs Broadbent, some of the present legislation dealing with heritage has been criticized for its inadequacies in protecting our province's heritage. You have already indicated that you are familiar with the legislation and some of the proposed legislation, but could you elaborate a little bit as to what you feel the inadequacies are in the legislation and maybe some of the changes that should be made to protect our heritage in Ontario?

Mrs Broadbent: You are speaking of the present heritage legislation?

Mr Hayes: Yes.

Mrs Broadbent: I must confess that in my job, I tend to use the Planning Act and the Environmental Protection Act to protect natural heritage. The Ontario Heritage Act was a very progressive piece of legislation for North America, but in the government of the day's reluctance to infringe on ownership rights, which I have to agree with, they perhaps were a little too soft in the legislation in that they gave all the power to local municipalities.

The act has some problems—Mr Grandmaître referred to them—in that it can be expensive. It can be expensive doing repeated newspaper advertisements. Very occasionally one has to do a metes and bounds survey. That too can be expensive, and that makes local councils reluctant to get into it. But local councils are very fortunate. If they appoint local architectural conservation advisory committees, they are almost always volunteers and they do all of the work. So the municipalities benefit from volunteer effort, but there are some expenses.

One of the other things that had been criticized but that in fact was very well thought out was the fact that one has to call for a Conservation Review Board hearing if there is a challenge before the designation or if there is a challenge to de-designate. That was well thought out because one of the requirements is that not only an owner but anyone else can challenge a designation, but it allows for anyone other than the owner to challenge a de-designation. So a member of the public can challenge whether or not it is worthy of designation, and at the other end of the scale, a member of the public can challenge the de-designation by a municipality if he or she feels it is inappropriate.

It takes a long time. I mentioned to one of the other members that there is no category to determine whether one building is perhaps of extreme provincial or national

importance and another is of importance locally but may not be as important in the national sense.

One thing I would like to mention is that although there are about 800 municipalities and districts in Ontario and only 200-plus have these advisory committees, those 200 committees actually represent municipalities that have 70% of the population of Ontario. So although the figure seems small on the one hand, they are in the major municipalities.

The Chair: Thank you very much for your appearance today. We appreciate it.

1110

LLOYD MARSHALL

The Chair: The next witness is Mr Lloyd Marshall, who is an intended appointee as a member of the Ontario Northland Transportation Commission. Have a seat, Mr Marshall, and welcome to the committee. You have been selected for review by the Conservative Party, so I am going to look to Mr McLean to lead off the questioning.

Mr McLean: Mr Marshall, which area do you work in with the ONTC?

Mr Marshall: I am a conductor. Right now I am on freight, and I work freight or passenger services.

Mr McLean: Mainly on the rail freight?

Mr Marshall: Rail, yes.

Mr McLean: I think I remember reading that you are very familiar with the operation of the ONTC. Are you familiar with the bus operation of the ONTC?

Mr Marshall: Yes, I am. I am their labour representative.

Mr McLean: Do you see the expansion of their service as a plus?

Mr Marshall: Definitely.

Mr McLean: Did you agree with the proposal when the ONTC purchased Gray Coach Lines?

Mr Marshall: Yes. As a matter of fact, as the labour representative, I was very involved in that. We made some concessions, as a matter of fact, to make sure we did take Gray Coach over.

Mr McLean: The indication is that there is no direct subsidy from the government for that bus line. Would that be correct?

Mr Marshall: That is what I understand, yes.

Mr McLean: Do you believe the ONTC should be operating in the same bus lines as private enterprise? Do you see anything wrong with that?

Mr Marshall: No, I do not see anything wrong with it.

Mr McLean: You are familiar with the service between Toronto and North Bay and Toronto and Sudbury, so you are well aware of the transition that took place with the ONTC and the other bus company that supplies services on those routes, Penetang-Midland Coach Lines Ltd.

Mr Marshall: That is right.

Mr McLean: The information I have is that at one time the tickets were interchangeable. My understanding is

that is not the case now. Would you see that as being a proper way to fulfil the obligations of the bus companies of this province? The tickets have always been interchangeable and apparently now they are not. Is that right?

Mr Marshall: I think you are correct, yes. I think that would have to be something that was worked out between the ONR and PMCL. I do not know why the change, if that is what you are asking.

Mr McLean: Are you familiar with the Highway Transport Board Ontario's policies at all?

Mr Marshall: To a certain extent. I have had part of it reviewed to me.

Mr McLean: The other question I have is with regard to the loss of the commercial operations for the rail freight. Do you see that as a continuing loss or a greater loss than the commercial operations?

Mr Marshall: I guess I am optimistic. I think it is going to diminish. I am hoping we can get rail freight back on in a profitable organization. We have to be profitable; that is what I am trying to say.

Mr McLean: I also see that the bus operation loses about \$500,000 a year. Who picks up the losses?

Mr Marshall: At this point, I would not know.

Mr McLean: Who is the chairman of the ONTC now?

Mr Marshall: Mr Sinclair.

Mr McLean: What position does Mr Dymment have?

Mr Marshall: He is president.

Mr McLean: So there is the chairman—

Mr Marshall: The chairman of the ONTC and Mr Dymment is the president of the—maybe I should do that again. He is chairman of the actual railway, or the operation. I am sorry, he is president. I am nervous here.

Mr McLean: That is all right.

Mr Marshall: He is president of the ONTC itself, but Mr Sinclair is the chairman of the commission. Did I do that wrong again?

Mr McLean: Right. You were involved in the negotiations. Would there be an increase in employees to the bus operation?

Mr Marshall: Yes.

Mr McLean: By how many?

Mr Marshall: I cannot tell you exactly. In the negotiations with the other unions, we protected all the people from Gray Coach who wanted to come to the ONR. There was no problem. They had their protection of seniority and even pension status to satisfy them. They hired approximately 50 bus drivers through the Gray Coach takeover.

Mr McLean: Are you familiar with PMCL?

Mr Marshall: Not really. I know they are in competition with the ONR in parts of southern Ontario. They are going before the highway transport board, I understand, over the Toronto-North Bay run and the Toronto-Sudbury run.

Mr McLean: I noticed in the paper the other day that the ONTC was advertising to take tours to the United

States. Is it part of their mandate to take people out of Ontario to shop?

Mr Marshall: I do not think that was the intent of it. Yes, they run bus tours, mainly out of North Bay I think.

Mr McLean: Some time ago there was a move to take away the Twin Otters that were used by Nordair and put in Dash-8s. That announcement was made and that was going to happen. Then all of a sudden it did not happen. Are you familiar with that?

Mr Marshall: I cannot give you the reason. Obviously I am not on the commission as yet, but yes, it happened. I read about it in the papers the same as you did basically.

Mr McLean: How many years have you worked for ONTC?

Mr Marshall: Twenty-seven. I am still working with it as a conductor.

Mr McLean: Where is your run?

Mr Marshall: North Bay to Engelhart. Engelhart is a terminal point for freight.

Mr McLean: How far north does ONTC go?

Mr Marshall: Right to Moosonee. It goes to Engelhart, Cochrane and Moosonee, and it goes the other way, Timmins in the west and Rouyn-Noranda in the east.

Mr McLean: It does not go to Kapuskasing. No line goes through there now.

Mr Marshall: Yes, there is a CNR line. The ONR is in the process of buying the line to Kapuskasing, as a matter of fact. We have been in negotiations for that.

Mr McLean: Will that be a money-maker?

Mr Marshall: We hope so. Yes, I think so. If the Kapuskasing mill had gone down, I guess it might not have been saved, but I think with the Kapuskasing mill there, it is going well.

Mr Frankford: The scope of the crown corporation's operations is to include communications, freight services and tourism. Do you have any thoughts about developing those aspects?

Mr Marshall: I do not know how many people here are aware, but the reason the ONR has a problem with money right now is that we lost two major mines in northern Ontario, Adams and Sherman. Definitely, I think we should work with the customers to give better service and develop the north further, in both passenger services and freight.

Mr Frankford: Passenger services in rail or do you see other ways?

Mr Marshall: Rail and bus, both.

Mr Frankford: Have you had any thoughts about any innovative approaches that might make money?

Mr Marshall: It is very hard. The one I think the ONR put some faith in, but I do not know what is going to happen to it, would be Toronto's waste going to Kirkland Lake. That would have been a money-maker for the Ontario north, there is no doubt about that. But whether that is going to happen or not—we know that is all under review.

Mr Frankford: I see it has one hunting camp which did actually make a profit.

Mr Marshall: Is that right?

Mr Frankford: You have no thoughts about developing that sort of thing further?

Mr Marshall: Tourism. They could definitely go further with that, yes.

1120

The Chair: Any member of the government caucus? Mrs Carter, do you have a question?

Ms Carter: You partially touched on the question I was going to raise, which is the loss to the northern railways, or what they planned, first of all with Dofasco going under, and then losing the garbage contract you had thought might come up. I understand that this feud is causing possible financial difficulties. Do you have any further comments on that?

Mr Marshall: On the waste proposal?

Ms Carter: As to what can be done in view of this situation.

Mr Marshall: It is not just that the northern economy is bad. Because of the vast regions, I think we have to develop more industries in the north. I just mentioned the waste disposal because it was one of them.

Ms Carter: Would you have thought that bringing waste north was a good idea?

Mr Marshall: I have mixed emotions on it for the obvious reason of waste going north. But if it is done because of the jobs involved and what it would mean to the region of Kirkland Lake, if it is done environmentally safe, I would not have a problem with it, no.

Ms Carter: So do you think there are any ideas in the pipeline that might take up the slack on this?

Mr Marshall: Not imminent. I think it going to be a long hard haul to get it back.

Mr Marshall: One of the reasons I feel it is important to have a labour representative on the board is because, when concessions come, if there have to be concessions, or whatever we have to do on the railway to make money, if we have a labour representative there, instead of mistrusting management he will be in the process of saying, "Okay, we have to do this," and then going back and explaining to the employees and to the members of the other unions exactly what took place, why it took place and why we are going to have to do this.

Mr Grandmaître: One or two short questions. Mr Marshall, do you think there is a conflict of interest between your being an employee of ONR for the last 27 years and your new added responsibility? Do you think there would be or do you have a perception of a conflict of interest?

Mr Marshall: No. I think the only time there could be a conflict of interest might be if we were dealing with monetary matters, supposing we negotiate a contract. I assume money matters from the ONR have to be approved by the commission. I think I am right on that. But I do not

think it would be a problem; you can always declare a conflict of interest. I do not see that as a problem really.

Mr Grandmaître: You say all you would have to do is declare a conflict of interest?

Mr Marshall: Yes. In other words, I would not get to vote.

Mr Grandmaître: I am talking about perception.

Mr Marshall: Oh, the perception. No, I would not think so. What I found is there are companies like Tembec in Témiskaming, Quebec, and now Abitibi in Kapuskasing, where management and unions have worked and are working together. I think that would be the beauty of having a labour representative on the commission because they could work together.

The Chair: I just wanted to follow up on that in terms of perception. We dealt with the community advisory board for psychiatric hospitals yesterday. It is only an advisory board, but union employees of a hospital are only permitted to serve as observers. They do not have voting ability in respect of the deliberations of the advisory board. I know, for example, that schoolteachers cannot serve on the school boards they work for. There are a host of other areas across the province where similar situations do cause concerns. I think Mr Grandmaître's point is well taken, but obviously it is something you have given some thought to.

Mr McLean: You indicated that ONR is having some funding problems. Did I hear you right? They were very tight on their budget.

Mr Marshall: That is correct.

Mr McLean: Why then would you spend \$7 million to buy Gray Coach when you are having funding problems?

Mr Marshall: I assume they are hoping they can turn Gray Coach around. I was not in on the decision obviously.

Mr McLean: Would that be a decision made by the ONTC or would that be a government decision?

Mr Marshall: I think it would go up the chain. Probably the president would start with it and it would go to ONTC, the commission, and then it would go to the government. I am not exactly sure of the steps.

Mr McLean: It would be northern development more likely than anybody?

Mr Marshall: That is what I would assume, yes.

Mr McLean: Right. The truck operation's loss is \$1 million a year. Do you see that turning around?

Mr Marshall: I am not real familiar with the truck operations.

Mr McLean: You are in competition with them, are you not?

Mr Marshall: Not necessarily, not recently, not ONR. I think we work freight. They went to the sheds and we hauled some free and they hauled some out. There is some long-haul, but a lot of it is short-haul too.

Mr McLean: Is most of trucking division owned by ONTC or do you lease vehicles from other companies?

Mr Marshall: I cannot answer that question because I do not know.

Mr McLean: Have you been the to the Hannah Bay Goose Hunting Camp?

Mr Marshall: No, I never have.

Mr McLean: It is making a profit. It sounds like it would be a good spot to go to.

Mr Marshall: Maybe tourism is the place to be in Ontario then. Maybe that is where the money is. I do not know.

Mr McLean: Perhaps at one time.

The Chair: Nothing else? Mr Marshall, thank you for coming down today. We appreciate your appearance before the committee and we wish you well.

We ended up starting off behind schedule and we have finished ahead of schedule, so not a bad performance at all. There is nothing on this morning. We are back again at 2 pm to spend a couple of hours on an appointment review and then we will be dealing with a consideration of some possible recommendations for a draft report. We are adjourned until 2 o'clock.

The committee recessed at 1127.

AFTERNOON SITTING

The committee resumed at 1403.

D. PATRICIA NEILSON

The Chair: Could we come to order, please. The first matter of business on the agenda for this afternoon is the review of Dorothy Neilson, who is an intended appointee as chair of the Northern Ontario Development Corp. Ms Neilson, would you like to come forward, please, and take a seat. Welcome to the committee. You have been selected for review by the Conservative Party. It is a half-hour review and we have 10 minutes allocated to each party for our questions and responses. I will begin with Mr McLean.

Mr McLean: I wanted to give you the opportunity to come to Toronto and visit and get away from the north and appreciate the north when you get back there all the more.

The appointment as chair: Are you presently on the board?

Mrs Neilson: Yes, I am.

Mr McLean: How many years have you been on the ODC?

Mrs Neilson: I have served on NODC since 1987.

Mr McLean: That is the Northern Ontario Development Corp.

Mrs Neilson: That is right.

Mr McLean: Is that the corporation for all of the north?

Mrs Neilson: That is the corporation serving the northern region.

Mr McLean: You are on the Rainy River Business Development Corp?

Mrs Neilson: That is right.

Mr McLean: Is that a separate one?

Mrs Neilson: The Rainy River Business Development Corp is a community organization that encourages business development in that particular area, but it is separately funded and it is owned and managed by the community.

Mr McLean: Okay, so is there an ODC office? Where is the head office for the ODC?

Mrs Neilson: The head office of the Ontario Development Corp is here in Toronto. The Northern Ontario Development Corp for that region is headquartered in Sudbury and our area would be serviced from a field office that is in Thunder Bay.

Mr McLean: How many members are on that board?

Mrs Neilson: There are I guess 14 who can be appointed at this point in time, and I believe there are a number of vacancies right now. I am not that familiar right now with where the—

Mr McLean: And do they meet monthly? How often do they meet?

Mrs Neilson: In the past, over the years I have served as a board member, we have met on a monthly basis and as required. We deal with loans and people's finances. We find that the business on a monthly basis seems to take

care of it. If something comes up in the meantime, we can do other things to attend to that business.

Mr McLean: I want to get this straight. The NODC is the Northern Ontario Development Corp, and this appointment is to the ODC? It is to the ONDC.

Mrs Neilson: I understood that this review was for the position of chair for the Northern Ontario Development Corp.

Mr McLean: Right.

Mrs Neilson: And I know in the past that has been combined with a cross-appointment to the Ontario Development Corp. That may be where some of the confusion arises.

Mr McLean: There are 14 on the board and one vice-chair and a chair?

Mrs Neilson: That is correct.

Mr McLean: Do you know what the budget for the board is?

Mrs Neilson: I am afraid not, no.

Mr McLean: Is that administered back through to the ODC and head office in Toronto, to your knowledge?

Mrs Neilson: The Ontario Development Corp has a budget, and then it has allocated budgets for the three different areas, the north, the east and the central part. Then our director is the one who is in charge of administering the budget for that particular area.

Mr McLean: Who is your director?

Mrs Neilson: John Symington.

Mr McLean: Did you ask for this appointment? You are already on the board.

Mrs Neilson: That is right.

Mr McLean: Is the chair who is there now retiring, or what is happening?

Mrs Neilson: That is right. He has moved on. I am not that familiar with what is behind—I was asked if I would be interested in sitting as the chairperson.

Mr McLean: Who asked you?

Mrs Neilson: I received a call from the Ministry of Industry, Trade and Technology, a person from that department.

Mr McLean: You do not know who it was? Do you have their name?

Mrs Neilson: There were a number of phone calls. I believe the phone call came from Diane Gumbs.

Mr McLean: I have no further questions at this time, Mr Chairman.

Ms Carter: It seems to be generally agreed that the development corporations do help business in their areas, they do perform a useful function, but on the other hand, this does cost the taxpayers money. Obviously there is the cost of running the corporation and the rates of interest are below the market rate and therefore the taxpayer is

subsidizing that. What opinions do you have on the tradeoff between the costs and benefits to the community?

Mrs Neilson: That is a very good question and I think it is one that every development agency has to look at and look at very hard. It is money the taxpayer spends, so we always have to be evaluating our effectiveness. I look at economic development and business development truly as an investment in our business community. I believe it is a good investment. I think it is a difficult position to defend because the spinoffs of economic development are not always that tangible and it is very difficult.

Ms Carter: I was going to ask if there is any way you can really assess just how much difference it is making.

1410

Mrs Neilson: I believe you can by looking not only at the jobs it creates—because I think job creation can be a misleading way of evaluating it—but in these times of the economy we are looking at something I call wealth creation, the creation of new dollars in that community. When we evaluate each case, I think that has to be brought up, and that is as a board one of the things that is discussed when we review a case: What are the true benefits of this project?

Ms Carter: So you could, looking back, enumerate various enterprises that are under way because of the help they got that would not have been otherwise and you really feel that has made a big difference?

Mrs Neilson: Definitely. The type of financial assistance the Northern Ontario Development Corp provides is that of a partner in that business. The banker is strictly your financier, but I believe NODC, through the way it can administer its programs and listen to what the needs of the client are—

Ms Carter: They are getting managerial help as opposed to just a loan?

Mrs Neilson: Managerial help, or maybe the flexibility. We offer them the flexibility so they can apply some management knowhow to certain situations. It is a very supportive role that we play, and very definitely we give a business some room to advance.

Mr Hayes: Ms Neilson, I guess some of the complaints people and MPPs and members of this committee have had from people in their own constituencies are about the red tape and filling out applications. Do you have any ideas how we can make it easier or make it more feasible for people to apply for loans or guarantees, whatever the case may be? Do you have some suggestions on that, or would you be willing to present these suggestions to the NODC?

Mrs Neilson: That is an issue that comes up over and over again as board members. Most of our board members are actively in business and red tape is always a concern to them, so it is probably one of those issues that comes up quite frequently at a board meeting.

I guess it comes back to my own philosophy, and I present this at board meetings over and over again: To go into business you need a business plan, you need a strategy for being successful. Especially in these times, considering

the global market and the fast pace things are happening, if you do not have a business strategy, there is a good chance you are not going to be successful.

But we have to overcome—it is perception of red tape rather than actual red tape, and what are we really looking for? It is communication between the consultant and the business owner so he definitely provides the corporation with what his business strategies are, what his markets are, how he is going to access them and what skills he has in order to make this business idea a successful one. Sometimes that is perceived as red tape because maybe someone has not really sat down and said, “This is what we’re looking for.” It is not just red tape. This is the information we need to definitely get through so we can make an informed decision about your proposal.

Mr Hayes: So you do not feel we have to improve on that?

Mrs Neilson: As the chairman of NODC, probably the biggest thing I think we have to concentrate on next is communication. I think there is all sorts of room for improvement in communicating our message to the business community so we are definitely perceived as being helpful and useful. Red tape is more of a perception and we need to get the message out of what exactly it is that we need in order to evaluate these.

Mr Hayes: I do not know about in your field, but I do know in other ministries the red tape is there and it is not just a perception.

Mrs Neilson: No, we always have to be trying to eliminate red tape. I think that is definitely one of the jobs the boards have to keep in mind, that administrators like administering. I think that is probably the true value of a board, to bring it back into the perspective of the small business owner and say, “Are we helping or are we hindering, and what do we really need to evaluate this?”

Mr Hayes: Good. One more: I guess the corporation has actually written off higher rates of loans than the commercial banks? Could you tell us what that percentage would be?

Mrs Neilson: I believe it is in the range of about 5%.

Mr Hayes: And the banks are what, about 3% or 2%?

Mrs Neilson: Well, no. I would say a bank is probably a little—I am not an authority on this—

Mr Hayes: That is okay.

Mrs Neilson: I think it is in the 1% range, in that neighbourhood, and there are a number of different agencies between us and the banks that have varying degrees of write-offs. In my mind write-offs relate to risk and reflect the risk you are taking, and we are a development corporation.

Mr Grandmaître: Are you still holding the position of executive director of the Rainy River Business Development Corp?

Mrs Neilson: I work there four days a week.

Mr Grandmaître: Four days a week?

Mrs Neilson: That is right.

Mr Grandmaître: You will retain that position?

Mrs Neilson: That is correct.

Mr Grandmaître: Can you briefly describe your responsibilities with the Rainy River Business Development Corp?

Mrs Neilson: I am responsible to a board of directors for the business of encouraging small business people in our area to expand and start new businesses. I talk directly with clients. I make recommendations to a board of directors on small investments. Our office is used quite extensively for supporting a small business owner in some of his management strategies that he is trying to apply.

Mr Grandmaître: How supportive can you be? Let us say I am a businessman and I was to walk into your Rainy River office. How can you support me? Not knowing what business I would want to start, that I simply want to start a business in your area, how supportive can you be? I have \$150,000 or \$200,000 and I am asking you: "What kind of business should I get involved with in your area? What is the most needed?" How can you be supportive of this?

Mrs Neilson: The way we are supportive at the Rainy River Business Development Corp is that you come in and you would explain to me what it is you are trying to achieve and I would try and help you, getting back to the business plan, fill out the strategy so that you can access the markets you want to access and the human resources you need in order to put that plan together, as well as the financing. So you tell me what you want to do and I try and, not do it for you, but give you direction as to where you are going to access that type of information in order to put that deal together. We usually leave the financing to the last.

Most people come in to me and ask where they can get the money to do whatever. First, we take a look at where they are with their business planning process and whether they do actually have a business plan. We make sure they put a business plan together that makes sense from their point of view; after all, they are the ones who will be taking the largest risk. Then we help them shop for financing, and there are quite a few different places to look, depending on the situation, the type of business they are proposing.

Mr Grandmaître: Would you say, not with the Rainy River Business Development Corp but with the Northern Ontario Development Corp, that for people applying for your financial support, this would be their last resort?

Mrs Neilson: No, I do not believe it is their last resort with the Northern Ontario Development Corp.

Mr Grandmaître: It is not?

Mrs Neilson: No, it is not a lender of last resort.

Mr Grandmaître: Why would they go to you instead of going directly to the bank?

Mrs Neilson: We are a development agency, so we are looking at situations where the risk, for some reason or another, is possibly not acceptable to the banks.

Mr Grandmaître: Not acceptable to the banks?

Mrs Neilson: Not acceptable, that is right.

Mr Grandmaître: Why would your rate of interest be lower than that of the banks?

Mrs Neilson: Well, that is actually a good question. Interest rates generally tend to reflect the risk level that an individual is taking. It has been a long-standing policy of the development corporations to offer businesses that have a higher risk rating access to competitive interest rates.

1420

Mr Grandmaître: Competitive. Have you ever had any dealings with the Northern Ontario Development Corp as the executive director of the Rainy River Business Development Corp?

Mrs Neilson: Very definitely. They are a source of information and financing for many clients.

Mr Grandmaître: Information and financing?

Mrs Neilson: Yes.

Mr Grandmaître: You will retain that job as executive director?

Mrs Neilson: That is correct.

Mr Grandmaître: Do you not think there is a conflict of interest?

Mrs Neilson: No, I do not believe there is a conflict of interest.

Mr Grandmaître: How can you be the employer and the employee?

Mrs Neilson: I do not see where I am either at that point in time.

Mr Grandmaître: Well, you are an employee of the Rainy River Business Development Corp and you will be dealing with another level of government, if I can call it that. Do you not think that with your influence as chair of NODC and also executive director of the Rainy River Business Development Corp you would have an advantage?

Mrs Neilson: Because I do not receive any financial gain from the Northern Ontario Development Corp, the profile of the Northern Ontario Development Corp could very possibly be raised in our community—just the profile of the Northern Ontario Development Corp—because I am chairman. There are no benefits. Some of my clients may wish to access NODC financing and I would encourage them to do so because I believe the NODC is a good financial partner for them, and it would be the board's decision, not mine, whether or not that case fits within our mandate.

Mr Grandmaître: So you see no conflict of interest, or perceived conflict of interest.

Mrs Neilson: At this point in time, no. I have on occasion a case at our corporation, the Rainy River Business Development Corp, where if it comes to the board I declare conflict of interest and leave the room and do not participate in any part of the discussion to eliminate any perception of conflict of interest.

Mr Grandmaître: Do you not think it is very dangerous when you are placing yourself in that kind of perceived conflict of interest?

Mrs Neilson: No, I do not. I believe that being aware of it and sensitive to it is probably my best protection.

Mr Callahan: You were previously with the DC, were you not?

Mrs Neilson: I spent two years on the ODC board, yes, serving as a cross-appointment from NODC.

Mr Callahan: I may be wrong, but I understood your term on ODC was ended after only six months.

Mrs Neilson: No, I served two years on the ODC board.

Mr Callahan: I see. How did you come to leave ODC?

Mrs Neilson: My appointment was not—I was appointed for a one-year span. It was up.

Mr Callahan: So you are saying you served your full term?

Mrs Neilson: That is correct, yes, two years.

Mr Callahan: All right. Have you been briefed by ODC before coming here today?

Mrs Neilson: I spent some time over at the Ontario Development Corp, that is correct.

Mr Callahan: Briefing you on what you would be asked?

Mrs Neilson: More or less. I have not been to a Northern Ontario Development Corp board meeting since December 6 and I wanted just to know if there had been any issues raised since then, because my term, actually, as a Northern Ontario Development Corp board member expired at the end of December. So I wanted to make sure that I was current if there were any new developments.

Mr Callahan: Had you had any experience in the chair of the ODC when you were there?

Mrs Neilson: No, I had not chaired.

Mr Callahan: You did not chair. Did you serve as vice-chair?

Mrs Neilson: No.

Mr Callahan: So this would be your first opportunity to chair a committee?

Mrs Neilson: That is correct.

Mr Callahan: What is the budget of Ontario Development Corp in comparison to the Northern Ontario Development Corp?

Mrs Neilson: It is considerably larger.

Mr Callahan: Which one is, ODC?

Mrs Neilson: ODC. I just looked at the annual report before I came and I know that NODC handles somewhere in excess of about \$40 million.

Mr Callahan: What about the budget of the group you are with now, the Rainy River Business Development Corp? How does that budget compare?

Mrs Neilson: We are very small, with a very small budget, and deal with quite a few clients that NODC would not see, because we are geared to a very small business and very much a start-up situation. Our administration budget is \$100,000 at the corporation I work for. We can lend up to \$75,000 to one client.

Mr Callahan: Finally, you told me that you have not chaired or vice-chaired any committees at all on ODC?

Mrs Neilson: That is correct, yes.

Mr Callahan: That is over the two-year period you say you were with them. All right. Thank you.

The Chair: Mr McLean, you had some time left.

Mr McLean: I had other questions. Just following up on that, why did the vice-chair not move up to chair?

Mrs Neilson: These are questions that are outside my knowledge, to be perfectly honest. I do not know the answer to those questions.

Mr McLean: You sat on the board with them?

Mrs Neilson: That is correct.

Mr McLean: Was it not normal procedure in the past that the vice-chair would move up to chair?

Mrs Neilson: I have no idea if that is the situation or not.

Mr McLean: Are you on salary as executive director at Rainy River?

Mrs Neilson: Yes, I am.

Mr McLean: As chair, you will be receiving a per diem and expenses?

Mrs Neilson: That is correct.

Mr McLean: You probably feel that you could represent the people of Sudbury and those areas equally, the same as you would represent the people in Rainy River, being paid by the Rainy River Development Corp?

Mrs Neilson: The same as any business—

Mr McLean: If I was a person in Sudbury looking to you for leadership to help develop and create some activity in my community and you are a paid employee of the Rainy River Development Corp and also chair of the other corporation, would I not feel that you would be wanting to help your own board that is paying you more than you want to help me?

Mrs Neilson: This question has come up over and over again so maybe the best way for me to address it is this: What you are saying is that if there is a conflict of interest it is because one has a vested interest in one's community. Myself, as the executive director of the Rainy River Business Development Corp, yes, I have a vested interest. I would also have a vested interest if I was simply a businessman or businesswoman operating in that community. I want to see my community flourish; I want to see, as well, the north flourish.

That is not going to change whether I am executive director, or in my particular case I also have a partnership with my husband in a business up there. I have a vested interest in the community, and every board member, no matter what board member you choose as chairman, is going to have a vested interest in his or her own community. I think probably the advantage of the Rainy River Business Development Corp's connection is that I can take what I have learned from my experience there and apply it to other communities, because I have the advantage of seeing what is happening in the other communities as well.

Mr McLean: I think there is a difference because you are being paid by all of the business people and if I am a

businessman myself, nobody is paying me except what I sell through or during my business.

I want to move on to the Farm Credit Corp, at which you are credit adviser. What amount of loans would be out in the area that you represent? Is it large? Would it be 50 or 200? I am curious.

Mrs Neilson: I am sorry, you will have to clarify. We are with the Farm Credit Corp now?

Mr McLean: Yes, the loans that they have outstanding.

Mrs Neilson: I have no connection with the Farm Credit Corp in my particular area at this point in time.

Mr McLean: But you were credit adviser back until 1984?

Mrs Neilson: That is correct.

Mr McLean: Okay. You have nothing more to do with that now?

Mrs Neilson: That is right.

1430

Mr McLean: Okay. I am sorry; I did not read that. You are in the beef business.

Mrs Neilson: That is correct.

Mr McLean: How many cattle on the farm?

Mrs Neilson: Right now we have 100 head of feeders. You are looking at an outdated resume.

Mr McLean: That is since 1984?

Mrs Neilson: That is correct, yes, so that is no longer the situation. My husband and I are partners in our own business. We have a logging and a farm enterprise and we are working at developing one more enterprise in which I would be [inaudible] under the circumstances.

Mr McLean: Is the farm a paying proposition?

Mrs Neilson: The two enterprises combined, yes.

Mr McLean: You had indicated earlier on that you wanted to cut out the red tape in government and I was wondering if you had ever filled in any of the forms for NISA, the net income stabilization account, or for GRIP, the gross revenue insurance plan.

Mrs Neilson: It is on my shelf.

Mr McLean: Okay. Those are all the questions I have, and I wish you all success.

Mrs Neilson: Thank you.

Mr Hayes: Are you familiar with the farm entrants assistance program and the forms they had to fill out for that?

Mrs Neilson: Yes I am.

Mr Hayes: Do you find a big improvement there?

Mrs Neilson: Yes.

Mr Hayes: Do you think we are going in the right direction?

The Chair: Mrs Neilson, thank you very much for coming down here today. We appreciate it and wish you well.

Mrs Neilson: Thank you very much.

WALTER PITMAN

The Chair: Our next witness is Mr Walter Pitman, who is not a stranger to this building. Welcome, Mr Pitman. Mr Pitman is an intended appointee as the chair of the Task Force on Advanced Training. Mr Pitman, you were selected for review today by the government party. It is a half-hour review, 10 minutes of questioning from each party. We shall begin with Ms Carter.

Ms Carter: Hello, Walter. I certainly do not need to ask you about your past, because I have known you since 1968 and I have seen quite a lot of it unroll before my eyes, as it were. I know first hand how disinterested you are, how you always have new ideas, how you work hard and how you have a genius for getting on with people. I do not think I have ever known you to quarrel with anybody, and that is something, considering the chances you have had.

Mr Pitman: In the world of politics.

Ms Carter: What I would like to ask you is, what do you see as the mandate of this task force and how do you see it advancing the economic renewal we are hoping to achieve in this province and the cooperation between colleges and universities?

Mr Pitman: Thank you. That is a big question. This task force, I hope, will have a very important role to play in the next number of years, and I think you have identified the major areas in which we hope to make some progress. Every country in the industrial world is facing the question of whether in fact it has a trained force. I have been both in Spain and the United Kingdom just in the last few months and those countries are facing the same kinds of questions.

We have certainly a different world, a world of high technology, a world in which jobs are changing very quickly, in which individuals will have perhaps to retrain seven or eight times in a lifetime. We question whether we have a capacity in our educational system as it now exists to provide that kind of training in order to keep Ontario able to compete in this kind of world.

One thing Ontario has that is different is that it does not have a tripartite post-secondary system. Most countries in the world have systems of community colleges, universities and they also have what we have called polytechnics or institutions which provide young people with job-ready skills at a very high level, a rigorous level. At the same time, they provide a very broad perspective of, you might say, liberal arts or contextual learning. We do not have those kinds of institutions in this country because we have been so lucky for a great many years in being able to import our skilled people.

I know you know Canadian General Electric very well. I always thought it very interesting when I lived in Peterborough in your constituency to go down there and find that virtually all the people I was talking to had just virtually got off the boat. The implication is that for all these years we were able to import our highly advanced, skilled, trained people. For the last number of years we have not been able to do that and, ironically, we have not been able to produce the kinds of institutions that can fill that gap.

I find it interesting, for example, even south of the border in the United States, if you look at the spectrum of institutions that fill that gap, they run all the way from Rochester polytechnic right up to the California Institute of Technology. Cal Tech is the highest-level post-secondary institution in the United States. They have more Nobel prize winners on the faculty of that institution than we have in the history of Canada. In fact, the young people who graduate from high schools in the United States with the highest SAT scores do not go to Harvard or Princeton; they go to Cal Tech. That indicates the attitude towards the whole area of technology, that the highest-level institution in the country is called a technology institution. We do not have anything like this.

In fact, Ryerson Polytechnical Institute, which I was very happy to be involved with for a number of years, has found itself having to become more and more like a university in order to survive in the Ontario context, where young people have to have the credentials of the university as opposed to the credentials of a polytechnic.

At the same time, the college system has made a magnificent contribution to our economy, but they were produced 25 years ago in a very different kind of economy; certainly not that kind of global economy you just described. They were produced really to provide two-year programs in spite of the fact that if you read the legislation Mr Davis introduced 25 years ago, he talks about the fact that colleges would have two-, three-, four-, five-, six-year programs. They have never been able to develop to that degree. Obviously, at the same time as they were created, the financial strictures that developed in the post-secondary system came along and those colleges were not able—as well as having to take on an enormous range of activity—to lift up to that kind of level.

I do think we have a very real vacuum in our educational system. What I hear from the minister and from the ministry is a desire to see what we can do in relation to the universities and colleges we do have. How can we find a way by which they can cooperate and produce advanced training? I would like to add to that: To what extent can the private sector become involved in that process? Because in many cases they know what they need and they have the equipment, in many cases, that is needed to carry on the proper kind of training.

What we are really trying to find out is how we can create a different mesh that will allow us to produce the kinds of young people who can, not just compete in the new global economy, because I think that is an important thing, but rather that Canada can be in the forefront of a number of areas in making a contribution to, for example, the environmental wellbeing of the planet. It will not help the world for Canada to become a third-world country, to put it at its most rhetorical. It is important that we be able to stand up among all other countries who are making that kind of economic contribution. I do not know whether I have covered all your questions, but that is where I see this committee working.

Ms Carter: I do not have to ask you now, Walter, what you are going to do when you retire.

Mr Pitman: Yes, that is right. That is a very interesting point.

Mr Hayes: It is nice to see you, Mr Pitman.

Mr Pitman: Same here.

Mr Hayes: Actually, we just called you here so you can educate us a little more, that is all.

Mr Pitman: I do not believe that.

Mr Hayes: Anyhow, I was actually very pleased to hear your feelings in regard to importing high-tech people and skilled tradespeople because this has been an argument for umpteen years.

Mr Pitman: That is right.

Mr Hayes: I know in 1974 I represented the county of Essex at a meeting with—Mr Davis was there. It was in Kitchener, and we had this problem that whenever a new industry was going to come in there was always a shortage of skilled tradespeople, and there is no question this has happened. The other thing I have noticed over the years—of course, I worked in the auto industry—is that what was happening with a lot of people, skilled tradesmen or tradespersons, if they did not come from another country, was that some of the small businesses, the small tool and die, the family-run operations would take on apprentices and train these people and then some of the larger corporations, because they could afford to pay more, were actually robbing from them and that really created a problem. Do you think that particular problem would be addressed by the task force? I think that is very important.

Mr Pitman: The more people with advanced training we can create, the less that becomes a problem. You are quite right. That has been one of the major arguments on the part of the private sector: “Why should we get involved in the partnership programs? Why should we get involved in training people in our company, because as soon as we get these people trained they will be stolen by somebody else.”

1440

Mr Hayes: Right.

Mr Pitman: We have to develop a society in which there are many more opportunities for people to receive that kind of training so that, in a sense, stealing other people's employees does not become a kind of a habit and, in fact, eventually we develop a commitment on the part of all industry to train its own people in its own workplace, as the Ontario Training and Adjustment Board is certainly going to be involved in doing over the next number of years.

Mr Hayes: That is right. Thank you very much.

The Chair: We have a little bit of extra time. Any other questions now? Mr Callahan?

Mr Callahan: Welcome, Mr Pitman. This position you are being appointed to is a very important one, probably one of the most important ones in this province. The reason I say that is that I think the observation that if a person goes to a community college it is a dead end has put us in the dark ages.

I remember one day coming down here and seeing a couple of people who were out on strike—community college teachers—and I happened to know a couple of them because they were constituents of mine. They were complaining that many of their jobs were becoming obsolete because the class sizes were not large enough. It occurred to me that on the other side of the coin in the universities, certainly when I was there 30 years ago, at some of the lectures there were 200 and 300 people in the classroom, and I am sure it is worse now.

I recommended at that time, and I also recommended it to the present Minister of Colleges and Universities, that there should be cross-pollination where you would be able to take a year of university and then a year of community college and sort of put them together and perhaps take a full complement of both courses or as much as you wanted to, thereby reducing the size of the university classrooms and increasing the size of the community college classrooms and use the facilities to their optimum.

I do not see that in Vision 2000. Would you agree that might be a way of—

Mr Pitman: I think that is happening. What is taking place right now is exactly in that format. Somebody has been listening to you, because I think if you read the *Globe and Mail* this morning you will find there is a very considerable article there on this whole question of how the universities and the colleges are now prepared to develop a much more cooperative stance. The idea is, in fact, to make it easier for college students to move into university and back and forth and to bring those two sectors together.

The great problem has been—in the beginning it certainly was—that they did not want the colleges to be simply sort of pseudo-universities or second-class universities. They wanted those colleges to have their own reality and their own integrity. Therefore, there was this gap between the colleges and the universities, unlike the Americans, for example, where the junior college very often is used as an entrée to the university. In fact even in British Columbia they are developing that kind of format.

We in Ontario have kept them apart. I think there is now a realization that we have to get them closer together and that the young people of this province have a right to be able to move more easily between universities and colleges, and colleges and universities.

Mr Callahan: Having said that, the second thing was that there seems to be within our system strident rules that perhaps make sense in some areas but not in others. For instance, children with learning disabilities who attend university, if they miss their year—I am not sure this is the case in all universities, but some of them—they are required to remain out of that university for a period of two years. That, to me, is absolutely ludicrous, nonsense. That is a great rule for people who want to bum around and get themselves tossed out, but these kids should be welcomed with open arms back into the university the following year and given every opportunity to achieve.

That is another point I have given to the present Minister of Colleges and Universities, and I hope you in your capacity here would emphasize that this should be the

watchword of the day, that these kids should be given full go-ahead.

Mr Pitman: I really have never heard of that before. That is a problem I have never come across.

Mr Callahan: I happen to think that if we do not deal with them now and we do not give them free access to the universities, they will wind up in the correctional system or other areas and we will pay for it down the line.

Finally, I have always had a concern that when kids get out of university and they go for their first job, their CV usually has on it: "What did I do? I cut grass. I worked at a gas station," or whatever. They have absolutely no credentials to get into a job. They usually have to take a job that is perhaps not one they desire just to get a year or two under their belts or some training inside an office, or whatever. That is why I think—and you seem to share that thought and I hope the minister does—that by giving them a bit of university with a bit of community college and practical stuff and maybe laced with a bit of co-op as well, it may very well give them the opportunity to decide what they want to do, let an employer see them so they can meld together and then get out and get a meaningful job when they finish.

I will give you a success story in my riding. Two young fellows got their MA from university, then went on to a community college and took computer technology. They now have a very successful business in Brampton, even in this depression time. Their success has come from what they got from the community college. I am sure the MA gave them the expanded vision to do it. But I really believe that is where we should be using that combination of universities and community colleges.

Mr Pitman: Very briefly, I could not agree more that we have to make our whole educational system much more flexible. We must make it possible for young people to be able to move between those kinds of institutions. I like the suggestion you have that cooperative education should be a part of this mix as well, that they should be out in the private sector. The private sector has to become committed and involved in the educational reality of, in a sense, training their own workers, as well as expecting public institutions to do it. I think there is every chance that flexibility is developing.

Mr Callahan: They used to do that, and when the community colleges came into play they got out of it. The other feature of that whole thing of one year of university, maybe one year of community college, and maybe some co-op, is that you thin out the ranks in all of these institutions. You have put some of them into the workforce during the year when others can be back in either the college or the university. If it was done appropriately, you would probably have class sizes that would be far less burdened. You would probably be able to let more kids into the universities, perhaps the borderline ones who cannot quite make the tag. I certainly wish you well in your role in this. You have impressive credentials. I am not sure that I particularly buy the top part, but then we all have our own political commitments.

Mr McLean: Some years ago the community college system was established in this province. At that time, a lot of us felt that this was a program and a college system that was going to train and retrain people in the workforce in skills development and that type of thing. Do you think it has failed us?

Mr Pitman: Oh, my goodness, no. Not for a minute. I think that when the colleges were set up they were given what was an appropriate mandate at that time. But history is moving so quickly now that no institution is able to cope for very many years with the environment in which it finds itself. So that now what you have is a need for higher-level training, advanced training, which the colleges have never been given the resources to accommodate.

The colleges of Ontario have had enormous success, I think. It is just an incredible success. They have enriched the communities individually and the community of Ontario collectively. They have given new chances and starts for young people who otherwise would never have gone to any kind of post-secondary institution. At the time when they were started, about only 10% to 15% of the young people in this province had any kind of post-secondary experience. Now it is nearly 50% who have at least some kind of post-secondary experience, so they have been an enormous success. But, as I say, with the world, especially the economic world, moving so quickly, we are now into a global economy which even five years ago was not fully conceived but certainly 10 years ago was scarcely noted even by the foremost economists of our time.

Mr McLean: Do you think we need a committee, a group of people now to develop advice for advanced training?

Mr Pitman: I think there are some things we do not know. We are not quite clear as to where the lines should be drawn between the colleges and the universities and what specific skills the private sector really needs. This task force was working with two or three other task forces. I think there are about four other task forces trying to restructure the whole post-secondary system of this province. It is really a very exciting moment in time in this province. We do need to take a look at advanced training. A group of people will be gathered together who will be able to give very good advice to the minister.

Mr McLean: The problem I have had with the system over the years is that there appears to be people, aged 45 to 55 approximately, who have been laid off and do not know what to do. I thought the colleges were there to put those people back into college to earn a skill, to try to get them back into the workforce again somewhere. I think that is failing us, though.

Mr Pitman: Well, they have done that.

Mr McLean: A limited amount.

Mr Pitman: There have been thousands, tens of thousands of Ontarians who have been recycled, you might say, through the college system. It is done very quietly. It is not done with great fanfare. Perhaps that is one of the differences at the provincial level and at the federal level. If I had \$1,000 for every retraining program and unemployment program that has been launched by the federal gov-

ernment in the last 25 years I would be able to retire without even a pension. There has been a myriad. Some of it has been smoke and mirrors, quite frankly.

But right down at the individual community level, right down in Windsor or in Peterborough or in London and so on, the community college there has been working with employers. I would say that part of the problem with the community colleges has been that they have been too successful, in the sense that they have been doing what you are suggesting. At the same time, they have not had the chance to develop these three- and four- and five- and six-year courses that Mr Davis talked about, that would provide the kind of advanced training being provided in some institutions in other countries.

Mr McLean: Do you think there could be a problem due to the fact that the colleges are provincially owned and a lot of the programs are federally funded and there is a problem there to get them to work together?

1450

Mr Pitman: It has always been a problem. It has been a problem from the very beginning in the sense that the federal government tends to turn the tap on and off. Of course, when you have an institution that has to have some kind of regular flow of resources it creates havoc. I would say that the college presidents have been the most entrepreneurial individuals in our communities to be able to do the kind of shifting and movement that is necessary to be able to keep the college together as these programs come and go just exactly as you have described.

Mr McLean: Would you be looking at that?

Mr Pitman: Yes, I am sure we will be looking at that. We will be looking at the total spectrum of how in fact we can produce the best-trained, advanced-trained people in this province to serve the industrial needs of this province and to serve the individual needs of young people in this province.

Mr McLean: But we are talking about now, for the next year. When the ministry is talking about no funding for skills development, that kind of bothers me.

Mr Pitman: It is tough. To some extent, though, and here I hope I am not going to be facetious, 1% gets your attention. I say this as someone who has been engaged now in administration for 20 years with four provincial institutions. Like a hanging, it concentrates the attention.

I think institutions in this province are now realizing that the world is never going to be the same as it was in the early or mid- or late 1980s, that in fact there has to be a restructuring. I think that in the work of these task forces, including the one I am hoping to be a part of, there will be more cooperation and more effort to accommodate what appears to be the only solution in terms of that kind of restraint, and that we will be able actually to make some success out of that kind of pressure.

Mr McLean: A final question from me, then: Is there any way the Ministry of Skills Development could proceed to put up some help to retrain some of these older workers?

Mr Pitman: I think Skills Development is certainly working in that field. I do not pretend to have a detailed

knowledge of the programs available, but certainly this advanced training is going to be dealing with ongoing, continuing education for people throughout their working lives. To some extent, the kind of—I think the minister calls it—zigzag educational system, in which people do in fact move from one institution to another over a lifetime, and out of the private sector into the public sector over a lifetime, is going to have to deal with people who, as you say, have lost their jobs, are perhaps in mid-career and now have to try to find another opportunity. Certainly, this kind of training, advanced training, has to accommodate those people.

Mr J. Wilson: I just want to say at the beginning, having gone through the University of Toronto I spent a great deal of my time reading articles published by yourself in various books.

Mr Pitman: Thank you very much.

Mr J. Wilson: Although we are of a different political stripe there is no doubt, I have a great deal of respect for your opinions on a number of fronts. You really do have a varied reading list that you have provided.

I have two questions and both are very different. When the minister made the announcement of the task force, I met within days a group of teachers in my riding, particularly up in Collingwood where we have been hit very hard by the depression. There is a great deal of scepticism out there. "Well, it is another task force and there is a myriad of recommendations." I sat on the board of governors of U of T and spent a great deal of time reading stuff like this that was available in the legislative library. What do I say to my constituents now that I have the opportunity, and indeed the privilege of meeting the chair of this task force? What do you really hope to achieve, in a nutshell?

Mr Pitman: What I hope we can achieve is a higher level, a much higher level of understanding of how we can produce the kinds of advanced, highly trained people our economy needs. I think that everyone is aware of the fact that we are no longer hewers of wood, drawers of water, that we no longer can depend on our resource industries. We have to have, certainly, a solid service sector, but we also have to have some kind of a manufacturing economy, and that economy is going to be highly technological. The question has been as to whether we have been able to produce the kinds of people to do that.

I hope you can tell them, your teachers as well, that in order to do this we are going to have to have young people who have a good, sound base from that high school and from that elementary school you have in Collingwood and the various areas around Collingwood, and that their role is not going to be in any way diminished by the fact that attention is going to be given to advanced training.

I would like you to tell them as well that out of this, I hope we are going to have a better society, because I think that in order to produce the kinds of people we are talking about, we want to have people who are creative, imaginative, entrepreneurial, who have initiative, who in a sense are going to make their societies and our communities better as a result, that is, I am not completely convinced that competing in the new global economy is the only

reason why we should be doing this. It is not just to be competitive. I think it is to be more humane. I think it is to be more caring about the kind of society we live in. So you might say I have very idealistic expectations for this kind of task force.

Mr J. Wilson: That is great, and I suppose that will serve you well in the task force deliberations. I do have a question, though. Oh, this is a tough one. It is really not meant to be nitpicky or anything, but I see in the reading list that you gave a paper on the free trade agreement from a cultural perspective. A lot of your language today has been—well, you have mentioned hewers of wood and drawers of water and globalization and competitiveness. I just came from Asia where they have signed a free trade pact, or are in the process of doing so. I had a number of discussions with people there. What was your view of the FTA?

Mr Pitman: That is a reading which I think goes back some years. My main concern for the free trade agreement at that time was when I was involved with the Ontario Arts Council. Our concern was that our publishing industry was going to be undermined and our television, that our capacity to produce Canadian culture was going to be eroded. That, I think, was what that speech was mostly about.

Mr J. Wilson: So it was not really on the manufacturing sector.

Mr Pitman: No, I do not think so. I cannot remember that speech very well. I do not remember having much to say about that.

Mr J. Wilson: I am not sure I know what I was saying in 1986 either. Thank you.

Mr Hayes: Ask me.

Mr J. Wilson: I have a clue what it is, Pat.

The Chair: Thank you very much, Mr Pitman. We appreciate your appearance. We knew there was some little misunderstanding; we are glad you were able to make it today. We wish you well with these very significant responsibilities.

1500

ALEC ROSS

The Chair: Our next witness is Mr Alec Ross, who is an intended appointee as a member of the Cataraqui Region Conservation Authority. Welcome to the committee. You have been selected for a half-hour review by the government party. I am going to look to a member of the government caucus to lead off.

Mr Hayes: Mr Ross, are you familiar with the Burgar report? That is the interministerial committee that was put together in 1987 to look at and review conservation authorities.

Mr Ross: I am aware there was a review. I did not know it was called the Burgar report.

Mr Hayes: In that report there were a number of recommendations which were highly controversial among conservation authorities, and they still are controversial. Some of them talked about the number of conservation authorities in southern Ontario. This recommendation was that the

number be reduced from 33 to 18, through amalgamation, for example, like the amalgamation of the Upper Thames Valley Conservation Authority and the Lower Thames Valley Conservation Authority down in the Kent county area and London. How do you feel about that?

Mr Ross: If it makes ecological sense, it is not that bad an idea, I suppose. As I am sure you are all aware, the bigger they get, the more unwieldy they get. You are going to have a lot more competing interests and it is going to be hard for a person from one end of the proposed amalgamation to relate to the interests of someone from the other end. That is an obvious difficulty that will probably arise, but that exists in smaller ones too: conflicts between rural and urban. I do not know. It would have to be examined on a case-by-case basis, obviously.

Mr Hayes: There is another area, too, where I have had complaints myself and I am sure other members have. Do you feel that sometimes there could be a conflict between the conservation authority and the Ministry of Natural Resources? I will give you an example of just one case in my own riding. The individual wanted to do some work in the creek and the conservation authority gave the okay. Then the Ministry of Natural Resources got involved in it on top of that. Then, of course, you have your Fisheries and Oceans. It seems like a lot of duplication. Do you think there is something the government could do, or even the conservation authorities together with the Ministry of Natural Resources, to address this situation and maybe stop some of the duplication in some of these areas?

Mr Ross: Everyone, to a degree, is jealous of their jurisdictions, and some amount of duplication is inevitable, I suppose. As I understand, that is what the conservation authorities were established to do: to provide some kind of liaison between all these different jurisdictions, not necessarily competing with different jurisdictions—municipal, provincial. I think the key is to establish good communication between the authorities and the bodies that would be involved in a certain decision and be commonsensical about it. If they see duplication, then they could find out which person is best qualified to handle it and let him handle it, without ruffling anyone's feathers. I know there is always a certain amount of politics that gets involved in these things.

Ms Carter: I understand that like other bodies and other conservation authorities Cataraqui Region Conservation Authority is hard up. They are having a financial crisis. They have used a lot more recently than they were using before and they are running into a deficit. It seems very sad that one program that seems to have largely fallen by the wayside is the planting of trees, which is the kind of thing one would have thought was at the very core of what we want them to be doing. It is a bit like libraries: When they get hard up, the first thing that goes seems to be the buying of books. The authority apparently is blaming the government. I just wonder what your opinion is on this whole issue and the adequacy of the grants received.

Mr Ross: On the grants, or on the issue that they are not planting so many trees in the Cataraqui Region Conservation Authority?

Ms Carter: I just wonder whether that is really the first thing that has to go, what the situation that brought that about might be.

Mr Ross: From what I understand of the activities of our particular conservation authority right now, the priority is a new kind of educational centre that it is building in one of the conservation areas. It has already raised something like \$300,000 from the community and the province matched it. They are trying to get together the rest now. Perhaps they have decided to devote their attention to that particular project and perhaps tree planting and some other things may have fallen by the wayside. But I agree; I think these people's attention should be given to those sorts of things because we would like to think that the conservation authorities are in the business of conservation.

Ms Carter: Could you tell us more about that project and what it hopes to achieve?

Mr Ross: As I said, it is an educational centre. Presumably there would be school groups and those kinds of groups coming in to learn about the habitats, wildlife, etc, in the conservation areas. I think that is a really laudable sort of initiative because in my opinion education is really absolutely critical. We have people of a certain generation and mindset who will have a certain world view towards the environment, if we must put it that way, and I do not think they are going to change, and that outlook may not be entirely compatible with what one would like to see happen in terms of ecological integrity for the watersheds. So the place to start is with young people. I am all for the project. As I understand it, it is going along pretty well.

Ms Carter: Will they be actually taken out into the area?

Mr Ross: Yes, into the Little Cataraqui Creek conservation area. There is a marsh there and lots of trails. They can go around and look at chickadees, go cross-country skiing or do whatever they want.

Ms Carter: Will they actually spend the night or will it be just for the day?

Mr Ross: I do not know. It is not even built yet. They want to get it going by the fall, but as to the programs, I do not know what they have in mind.

Mr Grandmaitre: I came in late. I do not know whether Ms Carter was addressing the deficit of your conservation authority when I came in. Did you bring this up?

Ms Carter: Yes.

Mr Grandmaitre: You did mention it? I am sorry. What do you think of the budget cuts?

Mr Ross: It is a reality. We are living in tough times, etc; I could reel off a thousand clichés. Cuts are going to be necessary and we have to live with them. One thing: If the authority is not able to get more money from the government, if I can put it in those terms, then it is just going to have to generate more initiative on its own behalf to get funds from the community. Maybe that is another area that not just ours but all conservation authorities are going to have to move in: become not necessarily more autonomous, but at least devote more attention to raising funds by

themselves instead of relying on matching grant schemes and that sort of thing.

Mr Grandmaître: What you are saying is that if you do not get sufficient provincial dollars you will increase your levies to the 14 municipalities involved. Is that what you are saying?

Mr Ross: Not necessarily. That is one interpretation of it; that is not exactly what I had in mind. I was thinking more in terms of private fund-raising initiatives. There is one thing they did to raise money for this. I am not sure if you heard about the educational centre they are planning. They had a land lottery whereby you bought an acre of the conservation area and then your name was put on a list. That is how they raised the money. That is a creative sort of thing that generates funds from the community at large, from people who are willing to do that—without going directly to the municipality, which may or may not perceive a direct benefit from increasing its contribution to the authority. This is very much the case with this educational centre. Because it is in Kingston, the main beneficiary would be Kingston area schools. People from Bedford township, or from one of the more northern communities such as Brockville, what are they going to get out of it? Nothing, but they are contributing to it, so I think the beneficiaries are going to have to work harder to justify themselves.

1510

Also, fund-raising would raise the profile of the conservation authority in the community. A lot of people do not know what it is; they do not care. It is just another sort of government thing. It is an entity and nobody knows what it does. There is a regrettable lack of knowledge and outright ignorance in the community. I do not mean to say that in a derogatory way. Why should they pay attention to it? They may not have any reason to have to know what Cataraqui Region Conservation Authority is. But if we can make it more relevant to them—that comes back again to the educational role—then perhaps it would be easier to raise money privately.

Mr Grandmaître: Are you familiar with the two previous reports that were done on conservation authorities?

Mr Ross: Mr Hayes referred to the Burgar report, which I had not known the name of. I am not sure which other one you are referring to.

Mr Grandmaître: The Bill Ballinger report. He was the parliamentary assistant to—

Interjection: That was not finished then.

Mr Grandmaître: I know, but it was still done. Two reports were done. Apparently the two reports mention that we should be looking at the total setup of our conservation authorities in the province of Ontario, and very little has been done since 1987. Now the present minister, Mr Wildman, is saying, "We believe a reform is needed," and so on and so forth, and the first thing this government does is cut back on our transfer payments to you people. It is difficult to understand that a reform is needed and that we are going to cut back on your funds.

Mr Ross: A reform is going to have to happen if they are going to cut down on funds, is it not? If that is the way it is, then that is the time for people to put their heads together and get creative.

Mr Grandmaître: Yes. Do you think we have too many conservation authorities right now in the province and we should amalgamate?

Mr Ross: To be honest, I have not analysed the size of each one. I know we have a pretty big one. They vary in size. It is hard for me to answer because I am not familiar with the size and the composition of them all. Are there 38, 35, something like that?

Mr Grandmaître: There are 35.

Mr Ross: Whether amalgamation of certain authorities would make things cheaper, I do not know, because there would be a certain amount of increased administration involved, I would think, in covering a larger area.

Mr Grandmaître: Are you familiar with the hunting problems that you have in that conservation authority area?

Mr Ross: Hunting problems with deer and that sort of thing? There is nuisance beaver trapping. I am not sure which problems you are referring to. If it is the deer overpopulation, this is not confined to our watershed.

Mr Grandmaître: No. They are hunting on your ground.

Mr Ross: I was not aware of that, actually, no.

Mr Grandmaître: I see. What will be your first pet project once you become a member of this authority? Do you have a pet project in mind?

Mr Ross: I do not know if I would call it a pet project. If you peruse my résumé, my interests and knowledge lie in the field of communicating with the public. I was a reporter for the Kingston Whig-Standard—that is how I actually first learned about the authority—and I have a pretty active interest in the outdoors, so I would gravitate towards the committee that is looking at the educational centre, community relations, trying to, again, raise the profile of the CRCA in the Kingston area community.

Mr McLean: How long have you lived in the Kingston area?

Mr Ross: I have been there for six years now.

Mr McLean: Who asked you to fill out an application for this position?

Mr Ross: No one asked me, but I was working at Queen's University a couple of months ago and a professor there, Dr Fyfe, is the vice-president of the authority now. I was just talking with him one day about the authority. This was purely by chance. He let me know there was a vacancy open and suggested that maybe I would be interested in this sort of thing, so I did bear it in mind.

Mr McLean: You graduated from York University in 1980.

Mr Ross: No, I did not graduate from York in 1980. I did one year at Glendon College in that year and I graduated from Carleton a few years later.

Mr McLean: Your résumé intrigues me. I would just like to know how you do it. Within the last 12 years you have been all over North America, Europe, the Far East, India, Thailand, Hong Kong, Taiwan, China. You have been hiking and you have been mountaineering and you have travelled three summers, 1987, 1988 and 1989.

Mr Callahan: You are just jealous because you only got to Buffalo.

Mr McLean: You have canoed 5,000 miles. Do you work, other than doing a bit of journalism?

Mr Callahan: He got frequent flyer points.

Mr Ross: Frequent paddler points, more like. Yes, I work. I am self-employed. I am a writer. I freelance and I am working on a book about that canoe trip you referred to. I do not know. How do I do it? You do it. You decide and you do it.

Mr McLean: You must live with your parents?

Mr Ross: No, no.

Mr McLean: Do you live on your own?

Mr Ross: No, I am married. My wife hangs around.

Mr McLean: I do not think I will ask any more questions, Mr Chair. That is it. I wish you well.

The Chair: Mr Ross, I want to make a comment, because of course part of the Cataraqui Region Conservation Authority falls within my riding. I have noticed over the past number of years that because of the decreasing dollars that are available to conservation authorities, there have been some changes made. In my area there is a conservation authority park, a dam to control the water flow through Brockville, flooding and so on, but they have closed down the camping ground and they have made a number of changes which are negative, just simply because they do not have the dollars.

I have no idea whether this would work or not, but it seems to me there was an interest a number of years ago by a service club in the Brockville area, the Lions Club, which has about \$200,000 or \$300,000 in the bank.

Mr McLean: Wow.

The Chair: Yes, they are quite well off. I am wondering, since you are going on to this authority, if you would be receptive if the authority would take a look at innovative things like approaching a service club or service clubs and saying, "Look, we're prepared to lease you this area for \$1 a year for 20 years and here are the conditions you have to meet to follow the guidelines of the ministry and the authority," and let them run it. There are no costs associated to the authority. We are talking about someone like the Lions Club, which could put in a swimming pool, reopen the campground and do an enormous number of things that are of benefit to the community at large, and it is not costing the taxpayers a red cent. Right now that park is declining. We do not have tax dollars to do it. I think, let's look in other directions, and I just place that thought with you as one possible avenue to explore. If you have any reaction, I would certainly appreciate hearing it.

1520

Mr Ross: That is a good idea so far as it goes, I suppose. I am not familiar with the park so I cannot make any definitive pronouncements on it, obviously, but the idea of sticking in a swimming pool and that sort of thing kind of gives me the jitters. It does not strike me as conservation.

The Chair: They built a swimming area there a number of years ago.

Mr Ross: If one were going to lease it to a service club, provided the conditions were conservation-minded and made ecological sense, then yes, I do not see any problem with that. But if it were going to be, you know, "Let's open the Lions Club amusement park," sorry, no. I am sure that is not what you are suggesting.

The Chair: I was not suggesting that. I was saying you lay down the criteria, and the authority would have the ability to lay down the conditions of any leasing agreement.

Mr Ross: I think that is a good idea. It is certainly worth looking at anyway, because we are in a bind.

The Chair: And it is not going to get any better. Thank you very much. We appreciate your appearance here today. Good luck.

The next matter on the agenda is the determination on whether the committee concurs on the intended appointments reviewed. There have been quite a number of them we have reviewed today. You may wish to do it on an individual basis, individual motions, or if no one has any difficulties with any of the intended appointees we have talked to today, we could deal with it in one motion.

Mr Hayes: I will make a motion that we concur with all the intended appointees that we dealt with today.

Mr McLean: Not in one motion.

The Chair: Not in one motion?

Mr Grandmaitre: No, Mr Chair. I prefer that we go through the list one by one.

The Chair: All right.

Mr Hayes: Second mine then?

The Chair: No, we do not have to. If we do not have unanimous consent to deal with them all as a group, we have to do them on an individual basis. Can we have a motion in respect to Clare Brenner, the police services board in Tavistock?

Mr Hayes moves that the committee concur in the appointment of Clare Brenner.

Motion agreed to.

The Chair: Mr Hayes moves that the committee concur in the appointment of Michael Sullivan.

Motion agreed to.

The Chair: Mr Frankford moves that the committee concur in the appointment of Heather Rosemary Broadbent.

Motion agreed to.

The Chair: Ms Carter moves that the committee concur in the appointment of Lloyd Marshall.

Motion agreed to.

The Chair: Dorothy Neilson, intended appointee as chair of the Northern Ontario Development Corp?

Mr Callahan: I move that this concurrence be deferred for two reasons. First of all, Mr Grandmaître raised the issue about—

The Chair: Can I interject here that you do not require a motion; it is simply a request for deferral under the standing order.

Mr Callahan: What I was trying to do was to get our research to answer the question Mr Grandmaître asked about the conflict, number one. Number two, I am advised on good advice that this lady served six months of her tenure and was let go. If that is a fact, and I put that question very clearly to this lady, then she has not in fact been candid with the committee. I think those are two important aspects to be determined before the vote takes place.

The Chair: Under the standing order, if a member requests a deferral, it is granted, but we will have to deal with it tomorrow. You will get a deferral until tomorrow. Under the standing order we have up to seven calendar days to a future meeting, and the only future meeting within that time span is tomorrow.

Mr Callahan: Does it matter that I move to defer? I will not be here. I am only here today. Should it be moved by Mr Grandmaître?

The Chair: It is a request and you are qualified as a substitute on this committee. That is quite appropriate.

Mr Callahan: But I need not be here tomorrow.

The Chair: No.

Mr Grandmaître: So what you are saying is that we will have to deal with the Ms Neilson case tomorrow?

The Chair: That is right.

Mr Callahan: I wonder if research could determine those two issues. One they may not feel qualified to do is the question of conflict. Certainly the question of how long she was on that committee could be found out very easily, I would think, and that should be known by the committee before it votes.

The Chair: We will have that information.

Mr Hayes: I think the members have a legitimate concern and we can follow up on this and get the proper information so we can make the right decision so everybody is pleased and there are no questions. Yes, we will go along with that. We are very easy to get along with.

Mr Callahan: You are a sweetheart, Pat.

Mr Hayes: I would not go that far.

The Chair: Moving right along, we need a motion to concur with Mr Pitman's appointment as chair of the Task Force on Advanced Training.

Ms Carter moves that the committee concur in the appointment of Walter Pitman.

Motion agreed to.

The Chair: Mr Hayes moves that the committee concur in the appointment of Alec Ross.

Motion agreed to.

The Chair: If you take a look at your agendas, we have a closed session coming up to deal with some possible recommendations for our draft report. I am going to adjourn the regular part of the meeting and we will move in camera in two or three minutes, after Hansard has departed.

The committee continued in camera at 1527.

CONTENTS

Wednesday 29 January 1992

| | |
|----------------------------|--------|
| Appointments review | .A-813 |
| Clare Brenner | .A-813 |
| Michael J. Sullivan | .A-816 |
| Heather Rosemary Broadbent | .A-818 |
| Lloyd Marshall | .A-820 |
| D. Patricia Neilson | .A-824 |
| Walter Pitman | .A-828 |
| Alec Ross | .A-832 |

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Thursday 30 January 1992

Standing committee on government agencies

Agency review:
Metropolitan Toronto
Police Services Board

Chair: Robert W. Runciman
Clerk: Douglas Arnott

Assemblée législative de l'Ontario

Première intersession, 35^e législature

Journal des débats (Hansard)

Le jeudi 30 janvier 1992

Comité permanent des organismes gouvernementaux

Examen des organismes
gouvernementaux :
Commission de services policiers de
la Communauté urbaine de Toronto

Président : Robert W. Runciman
Greffier : Douglas Arnott

Published by the Legislative Assembly of Ontario
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Table of Contents

Table of Contents for proceedings reported in this issue appears at the back, together with a list of committee members and other members taking part.

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Table des matières

La table des matières des séances rapportées dans ce numéro se trouve à l'arrière de ce fascicule, ainsi qu'une liste des membres du comité et des autres députés ayant participé.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Thursday 30 January 1992

The committee met at 1049 in committee room 2.

AGENCY REVIEW

Resuming consideration of the operations of certain agencies, boards and commissions.

METROPOLITAN TORONTO POLICE SERVICES BOARD

The Chair: Welcome to our witnesses this morning from the Metropolitan Toronto Police Services Board. Ms Eng, you are going to be on your own. Perhaps you do not want to have anyone else with you at this stage.

Ms Eng: At this point, since I have two people with me, I thought we would just see which questions you had and they would join me at the table as needed. With me today is Mr John Campbell, who is the executive director of the police services board and has been with the board for over 17 years and has a lot of history to share. Also with us is Susan Lewis, who is manager of employment equity.

The Chair: Welcome to the committee. Would you like to make an opening statement?

Ms Eng: Yes, I would appreciate that. Thank you. I would like to begin by outlining briefly the mandate and responsibilities of the Metropolitan Toronto Police Services Board.

The current policing climate demands a much more dynamic role for all police services boards. The recent changes in the enabling legislation and regulations reflect this. Our board's response has been to ensure that a long-term strategy is in place to allow the force to meet future challenges and that short-term measures remain consistent with that long-term plan.

The Police Services Act and its predecessor create the police services board as a civilian authority responsible for the governance of the Metropolitan Toronto Police Force. It has the mandate to provide policing services for all of Metropolitan Toronto.

As you know, we have a seven-member board: The Metro chairman, Alan Tonks, is a member, as are two councillors appointed by Metro council, Norm Gardner and Dennis Flynn. The four persons appointed by the Lieutenant Governor in Council are Roy Williams, Laura Rowe, Massey Lombardi and me.

Our force was formed in 1956 as an amalgamation of 13 municipal forces and it has now grown to a force of over 5,000 officers and over 2,000 civilian members. We also have the assistance of a voluntary auxiliary force of about 500 members. Some calculations indicate that we have one police officer for every 385 persons in the population. This does not take into account the people who are transients into Metropolitan Toronto for business and for entertainment.

In 1991, the gross operating budget for the Metropolitan Toronto Police Force was approximately \$548 million. In 1990, approximately 2.4 million calls for service were received, of which slightly over half were considered to be emergency calls.

We are, as you know, in a period of extraordinary change. In the policing context, the concern for safety in the streets has not changed but the policing environment is transforming at an ever-increasing pace. Demographic changes, economic concerns and international pressures all combine to create a complex and dynamic challenge for policing today.

The new enabling legislation reflects the more dynamic role that is required of the board. First, the preamble to the act declares certain guiding principles which establish a clear community focus for policing services in Ontario. The mandate formerly focused on the maintenance of law and order. Section 31 includes the responsibility to provide for crime prevention as well as law enforcement. The legislation now sets out a very clear policymaking and management role for the board. The different functions of the police services board fall into one or the other of these categories: policy or management.

First, policymaking: This role is more comparable to a legislative function than it is an operational role. Policy development, public consultation and education, and advocacy for legislative change where necessary have always been board responsibilities, but these have become much more urgent in the current policing environment of Metropolitan Toronto.

We have, I believe, an important role as a strong civilian authority. The board is established by legislation as a mechanism for civilian governance of the police. To fulfil that role, the board must take seriously its policymaking function and clearly distinguish it from the operational function of the force. The board often relies on force staff to propose new initiatives to the board. None the less, policy is ultimately decided by the board and the force must help to make sure that the policy is workable. Similarly, the force's operational initiatives must be consistent with policy guidelines identified by the board.

We have an important role as a bridge between the community and the police. There are increasing public expectations. There is an increasing demand for community control and participation in the decision-making process of the police force. The police have been criticized for being isolated and exclusionary, and there is a greater demand for police accountability. Thus, community consultation is a central responsibility for the board. Input from a broad range of the public on its needs and expectations is fundamental to the process of shaping policing policies and priorities.

We have a responsibility to contribute to the broader public debate. The board has been involved in a number of

public positions such as on gun control, as well as responding to many of the strategy documents that have been put forward by the province, by Metro council and by the area municipalities. We will continue to fulfil this part of our mandate to the extent that our resources and capabilities allow and develop.

We know that crime prevention is not an exact science. Many economic and social factors are at play, many of which the police force cannot change. In fact, a full employment policy may have a lot more to do with crime prevention than anything we at the police force could do. We will continue to develop our resources to ensure that our research capabilities are sufficient to continue to contribute to the policy debate and to try to define a vision for policing in Metropolitan Toronto.

The second important role for the police board is management; the obvious, as you have heard, is the ongoing budget situation. We have a significant role in budget planning and financial management. As you can appreciate, management of a budget of over \$500 million requires significant involvement by the board and ready cooperation from senior officers as well as the financial and administration staff. The budget review process has to ensure that every funding request is justified, but it also must show that the proposed spending meets the force's own goals and objectives.

We can find increased efficiency and productivity through careful review of current programs and deployment. We can certainly use ongoing management review and enhancement of budgetary controls to ensure that the force will have the necessary resources to meet its priorities. The budget is the ultimate tool by which policy is set by the board and, as set by the board, is implemented. Clearly, funding decisions must reflect the goals and objectives of the whole organization as well as its voluntary strategy. In these recessionary times there is certainly a fundamental conflict between increasing demand for service and decreasing resources.

Policy work in the future will increasingly depend on external sources of support and cooperation. The current budget problems in Metropolitan Toronto sharpened the focus on the choices we must make while ensuring that we do not undermine any of the progress we have made. The board also has a discipline function, which in many ways is a management function but also a quasi-judicial function. We are required, under the legislation, to adjudicate discipline appeals. These determinations not only have a direct impact on the lives and careers of the officers involved, but they also set precedents for the conduct and behaviour of the force as a whole.

In closing, I would like to turn your attention to the long-term strategic plan of the Metropolitan Toronto Police Force, which has been set forth in a report called *Beyond 2000: The Strategic Plan of the Metropolitan Police Force*. It sets forth the plan for reshaping the Metropolitan Toronto Police Force into a neighbourhood-based policing organization. Paradoxically, modernizing also means getting back to basics. The sense of safety in the streets depends very much on how well we address local neighbourhood concerns. Ultimately, local communities and their

neighbourhood police officers will start to set the policing priorities and expectations for their neighbourhoods.

For the organization, we cannot afford to underestimate the degree of change this means in the overall infrastructure of the police force, from the decentralization of authority to the massive investment in training and lifelong learning. The complexities of the neighbourhood-based police force will require management challenges not only to manage the information flow or budgets, but to ensure that we are indeed coming to grips with the local requirements. The process of transformation has already started.

Beyond 2000 seeks to enhance that traditional partnership between the community and the police, but modern skills and technology are not enough. We need to get that sense of participation and commitment not only by ensuring that police officers have a sense that they will be involved in the policy setting and in their own management, but by ensuring that neighbourhoods feel they have a real chance to introduce their ideas into policing priorities and decision-making. It is with that kind of commitment and cohesiveness that we will be able to take on the challenges of the next century.

1100

The Chair: For the members who are substituting on the committee today, normal practice is to rotate, beginning with the party that selected this particular board for review, the Conservative Party, and limit questioners to 10 minutes and do the rotation. If we do not have adequate time in 10 minutes initially, we will have it in a subsequent round.

Mr McLean: Welcome to the committee this morning, Ms Eng. There was a new report released by the Metro police services board with regard to putting a new name and a new face on the Metro board. Could you elaborate a little bit on that? Apparently you enthusiastically accepted that report.

Ms Eng: Actually, I think you are referring to a consultant's report prepared for us. We had asked for some reports from both the—excuse me, let me back up. It was in the context of employment equity recruiting that we asked for consultants' reports as to how we might better reach the communities that we want to target in order to improve on employment equity recruiting. Two consultants were ultimately engaged. One dealt with the racial minority communities and one dealt with the native communities. Their mandate was to find out what it was about the perception and image of the police force in their communities that would either help or hinder our ability to reach those communities for recruiting purposes.

I think the report you are alluding to is the one that came back from the native community. It made recommendations about how we could make our image much more approachable and how they felt there was a wide gap of mistrust, a lack of accessibility. They gave us almost 40 recommendations indicating how we might improve our image and our behaviour in order to bridge that gap and to recruit from the community. Their recommendations have been presented to the board. We have asked the force to

comment on that, and we expect to hear back on those recommendations two meetings from now.

Mr McLean: I am curious about compatibility on the board. When we sent you a letter to appear before this committee, were the members of the board invited to be part of the delegation?

Ms Eng: They most certainly were. As you might appreciate, the other board members are part-time members who have other jobs. Metro council is in session today and I was almost going to be late for this session on account of having to appear there. They are tied up at that. The other members who are appointed by the Legislature here have other positions. They indicated an interest in attending, and if we do go on into the afternoon session I would expect some will be here.

Mr McLean: Thank you. I see that Mr Williams is here, and he is part of the board. The final question I have in this round is, if budget cuts take place, would you relieve some of the officers of their duties? How would you go about any major cuts?

Ms Eng: We have had a significant period in the last couple of weeks trying to find ways in which we could find efficiencies and cuts from within the budget without affecting the jobs of the officers and civilian staff of the force. We have struck a special budget management committee to look for those opportunities. In preparing this last budget in 1992, we had already engaged in a process whereby we were reviewing all of the existing programs to look for redeployment opportunities and so on. Thankfully we were in some good shape to start looking again when the news came down that not only was the increase that we asked for not going to be given to us, but that we were going to be cut back to 1991 levels.

We are now pulling out all the stops and reviewing everything, looking for cuts all the way up and down the organization—bearing in mind that we do not want to lose sight of our long-term strategy. We have planned for a community-based organization that requires much more labour-intensive activity. We have planned for a greater investment in training of our officers and we do not want to cut back on that. We have planned for improving our technology to allow us to manage better and we do not want to cut back on that. Keeping those as priorities, we are still looking for the cuts. I am hopeful that we will find most of them without affecting jobs.

Mr Frankford: I am very pleased to be here. Now that Mr Ruprecht has left, I am the only Metro member in the room.

Certainly policing is an area of great interest in my riding. I am sure I could ask many questions my constituents would like to hear the answers to. One local question which I think could be of broader interest is around—I will give you a specific situation. There was a police station which was closed and amalgamated, centralized. Now, as a result of local pressure, it has been reopened. Could you say something about capital funding in the budget and how you plan things like this?

Ms Eng: The reopening of the 42 substation was something that was determined ultimately to be absolutely

necessary to provide the residents of that area some accessibility to police services on a much more sort of face-to-face basis. That actually fits in with our long-term strategy of decentralizing, of breaking the neighbourhood patrol areas into a much smaller division. We will be setting up over the long term not only substations, but actual full operating stations in areas to try to reduce the number of people in each division to, say, a working number of 200 instead of the almost 400 in some of the divisions today. All of that is with the intention that the officers in the division will get to know more intensively the residents, the requirements, the priorities of a particular neighbourhood.

Mr Frankford: Do you have thoughts on how much about capital this will need, as opposed to operating?

Ms Eng: This will be significant depending on whether we have to buy the buildings, build them, or whether we can lease them. They are massive investments, as you can imagine. Opening up the substation in 42 Division, we had the building; it was a Metro-owned building. But we had to make extensive improvements in order to make the building safe and to provide for things like lockups and gun cabinets and that sort of thing. That already is a quite serious expenditure. In order to repeat that around Metropolitan Toronto, we are looking at quite a lot of money in order to get those buildings in place. But I do not have exact figures for you, if you were looking for that.

Mr Frankford: No, but when you negotiate with Metro, are you looking at the capital side as a separate thing from the operating?

Ms Eng: The budget is split between the capital budget and the operating budget. The news is all focused on the operating budget at the moment. The capital budget is dealt with separately, and we have put into the capital budget certain requests for improvements to allow us to have the substations both in 42 Division and in 14 Division.

Mr Frankford: And in the overall budget discussions, do you find that the capital side is considered a deferrable item?

Ms Eng: Sometimes there is an attitude that if we defer certain things, we do not have to look at them, and therefore they do not exist. Unfortunately, for long-term planning, that obviously does not work very well. People tend to try to defer things, but if you plan properly, both your capital and operating expenditures should be planned together. You really cannot do one without the other.

Mr Frankford: I would just like to take the opportunity of commenting on what has happened around neighbourhood policing. I think we have seen considerable involvement by the police in community organizations and prevention programs, and I think there is a lot of satisfaction with the way it has been going. That is my comment, if you would like to add to it.

Ms Eng: Well, I appreciate that. I think it is something that people do not notice quite so readily. Community-based policing, in some people's minds, is simply police officers getting out of their cars and walking around. It is much more dynamic than that. It involves police officers

understanding the community and how it operates in order to address their concerns and their sense of priorities, rather than a centralized decision-making. It also means the community gets much more involved in setting those priorities. It gets much more opportunity to be educated about what the policing challenges are. That creates a much more cohesive environment, and ultimately the focus, rather than just being on law enforcement, is also on crime prevention over the longer term.

Mr Grandmaître: I must say that as a former police commissioner I am always interested in the morale of police forces. How would you describe the morale of your police force?

Ms Eng: I think police officers have a very difficult job to do. I think it is something that everybody comments about, but it is important to ask the police officers themselves what will make their job better and what will make them a lot happier doing it. You have to recognize that when I first got here I found, somewhat to my surprise, that police officers are one of the few professions left where people stay on the job for 20 or 25 years. When they dedicate an entire lifetime to public service, you know they have a real interest in serving the public. They very much care about what happens to the society at large, and they are very much chagrined when they see the results of what society leaves behind. Police officers pick up where society has failed, and in many ways they are as much demoralized by that as they are by any way that we can have an impact on their daily lives.

1110

The other area where I think demoralization can happen is when they see that they are not managed properly, that they do not have input into their own management—when they see things being done wrongly and cannot say anything about it or have no way of making some input. I think that in most workplaces you do have a great deal more input from the line workers into what is happening. That is the new era of labour relations where people do get involved in their own management. They get a sense that the institution is investing in them in terms of training and multiskilling. I think these are things we can introduce in our police force to allow for that kind of improvement and ultimately improvement in long-term morale.

Mr Grandmaître: Thank you. In my briefing notes, Ms Eng, I have noticed that since your arrival in 1989, there has been quite a change in the upper echelon of your police force. I am talking about staff superintendents, staff inspectors and so on. There has been quite a switch. Since 1989, you seem very top-heavy compared to previous years, let's say 1984-86. Was this your trademark or what?

Ms Eng: No, do not be left with that impression, please. I became a board member in 1989. I became chair in 1991. The board ultimately has a responsibility for approving the management structure of the force. The recommendations come up through the force. We had a report done for us in 1980—this is well before my time—which identified the level of management we ought to have with different functions and different units. That particular structure was changed around 1989, or maybe before. I am not clear on

the date at which, on the recommendation of the chief, there was an addition of senior officers. That whole structure is currently under review to ensure that we have the officers where we need them and the supervisors where we need them, and not where we do not need them.

Mr Grandmaître: I see. Would you say you have been more successful in accomplishing your long-term goals since those switches? Have you noticed an improvement, again, at the management level?

Ms Eng: I have only had, of course, less than a year's experience with the chair's position, but my experience so far with the budget preparation process has been very encouraging. I will explain. In the past it struck me that we needed to improve on the kinds of numbers we came up with when we presented our request to Metro council. This year we decided as a group that we would do the cutting ourselves rather than have the municipal councillors make virtually arbitrary decisions at us. As a result of starting early on to look at opportunities for funding from within, we were able to identify redeployments. We were able to identify funding from within. We were able to identify ongoing management review items. We were able to make sure that the program spending was actually targetted towards our goals and objectives. As a result, we brought in a budget that was at a 6.8% increase, with the lowest number of requests for increase in officers and civilians in the last six years, to the point that one of our harshest critics on Metro council called it, on radio, a very responsible budget.

We had to work very closely, the board and the command officers and finance and administration, in order to get that kind of budget put together. As you know, a budget is how you ultimately control how you manage yourself and how you achieve your priorities. So when we set objectives at the beginning of the process, we were able to come up with and ensure that we set our priorities in order to support those long-term objectives and priorities.

Mr Grandmaître: If I may follow up on your neighbourhood policing or community policing, you did mention in your long-term strategic plan that you were planning to open more police offices or precincts, if you want to call them that. How definite is this long-term plan? How committed are you? For instance, in your 1992 budget are there any dollars set aside to create these community—

Ms Eng: In the operating budget for 1992 we focused on planning for that eventuality. In the capital budget we will be asking for money that will allow us to open those stations. We are very much committed to that long-term strategy, because with all the research we have done we have identified community-based policing or neighbourhood-based policing as the most appropriate way of ultimately preventing crime over the long term, of addressing and providing policing services in a very diverse society and ensuring that police officers themselves take some real ownership of the process of policing and of managing those priorities. So we are very much committed in principle and I have tried to ensure in our budget planning and in the cutting we are being asked to do with Metro that we preserve and maintain our sights on that long-term plan.

Mr Grandmaître: One last question, if I may, Mr Chair. Ms Eng, this is a very personal question. What would you claim to be, or how would you describe, your greatest accomplishment since you have been appointed as chair of the Metro board?

Ms Eng: Silence does not mean I cannot think of anything; I just want to think of something appropriate. My hope is that when I am finished here, the police force and the police services board itself will be seen by the public generally as accountable because they can see for themselves that the system is accountable. That means we have to open up the process. We have to identify ways in which the public can participate and we have to leave our policy decisions up for public scrutiny. I hope the processes I have set in motion will achieve that.

Mr Runciman: Ms Eng, when you were appointed the chair, it was a rather controversial appointment. I am not sure why or whether you would agree with some of the controversy that swirled around you during that period of time, but I know one of the things that was talked about was the fact that policemen and policewomen—at least from the stories we read in the press—were not terribly supportive of your appointment because they felt some of your views and initiatives and things you stood for as a member of the board were not terribly supportive and in fact your appointment could have an impact in the negative sense on the morale of the force. How would you respond to that?

Ms Eng: I think the important thing is for people to see what I do and not worry about what the media says about me. I have had occasion in the last seven or so months to meet with officers all the way through the ranks, and I will continue to do more of that. What I find when I meet individual officers, and senior officers as well, is that when we have a chance to talk about the issues, they understand where I am coming from. They realize that I do not have horns. They realize that my interest is in making sure that the organization as a whole is respected and is able to operate efficiently and provide the services the public expects. I have had a good opportunity to meet with senior officers directly and as a group and I found that to be at all times encouraging. As a result, I have found the last seven months some of the most exhilarating times.

1120

Mr Runciman: What about your—we can describe them as public clashes with the chief. What message does that send out to the officers? I just saw one here that you accuse the chief of using scare tactics in his comments in respect to the budget.

Ms Eng: The reporter, when I challenged him on the way it was set up, none the less blamed his editors and so on. The importance here is that there are ways in which we have to present ourselves to Metro council when we are asking for money. We have to convince them of our credibility and that the numbers we have brought to them are firm, that we have looked everywhere for cuts, that we are asking for the money because we need it. Unfortunately, if we go forward and try to express things that they no longer hear, that they are tired of hearing, we will not get very far

in terms of moving ahead. So our credibility is at stake, and it is important.

The issue of having differences of opinion I think is a healthy one. I think there has to be a creative tension between the board and the force. The board itself has had to pull itself out of a period of some lack of public notice and it needs to be in a position to identify its policy needs and to encourage the public to come forward to identify those needs.

Mr Runciman: Is that how you would describe your relationship with Chief McCormack, one of creative tension?

Ms Eng: I think that if you have different positions on issues, different opinions on issues, coming with a different experience, a different point of view, different things to ensure happen, then both sides will be heard out. It is an open and free discussion at the board and we have all the opportunity in the world to make sure that there are not issues that are not spoken of.

Mr Runciman: Earlier, in your response to a question from Mr McLean, you were talking about the two studies, one in terms of the native population of Ontario and I think the other was with respect to visible minorities in Metro Toronto. The firm that conducted that for you was a firm called Equal Opportunity Consultants?

Ms Eng: Yes.

Mr Runciman: Do you know who the principals are in that firm?

Ms Eng: Yes, I do, Dr Frances Henry and Carol Tator.

Mr Runciman: Just briefly, what was the objective of that study?

Ms Eng: Both reports were focused upon assisting the force in improving on its employment equity recruiting. One of the problems we have had in the past when we tried to reach into communities that have not traditionally been members of the force or responsive to advertising and recruiting was to find out what it was that was holding them back. Until we found out what it is they think about policing, what they think about policing as a career, we would not be able to target our recruitment efforts sufficiently. So we engaged consultants to reach into those communities and give us a report back as to what those perceptions were, to assist us.

Mr Runciman: Do you think Ms Tator and Ms Henry approached this task in a totally objective way?

Ms Eng: I hope so. They are professionals. They are consultants. They are paid for their work by many people. We screened a number of consultants to look at the issue and we picked them from a number of applicants.

Mr Runciman: What was the cost?

Ms Eng: I think \$25,000; Excuse me, it was \$20,000.

Mr Runciman: I was just looking at a number of quotes from Ms Henry and Ms Tator. There is a whole host of them, but this was a Globe and Mail article where they are saying: "Senior police management must re-examine policies and practices of all aspects of policing as it relates to minorities. Police commissions should have more than

token minority membership; police associations need a more balanced view of the issues," etc.

I guess it just seems to me that you would not have had to pay them \$20,000 or \$25,000 for the report; simply read some of the articles and letters to the editor they have written over the past number of years. Their positions were extremely well known in respect to that question in the Metro area.

Ms Eng: The process by which they came to those conclusions included research they had done on their own, including community focus groups; they had interviews with police officers and interviews with community informants and so on. I think their research will stand up to the principles of community research, and on the basis of their gathering of that information, they came to those conclusions.

The other important part of the report was to assist us to identify the kinds of images we had to meet and those we had to redress. As a result, they also had a communications strategy that was set up to assist us and give us some direction in that regard.

Mr Runciman: I am curious about the process where you become chair of the board. How does that work? Were you approached by the Premier's office, the appointments secretariat?

Ms Eng: Yes.

Mr Runciman: They simply gave you a call and asked if you would like to stand for this office?

Ms Eng: Yes. I think the Police Services Act originally would not have contemplated a full-time chair. I, unique among all the police boards in Ontario, am the only full-time chair. The process that is contemplated in the legislation is that the appointments would be made by the province or by municipal council and then the members, from among themselves, would at the beginning of each year elect a chair. You can appreciate that if you are asking somebody to be a full-time person, you would leave to serendipity quite a massive change. We operate under the same law, but in practice I think the full-time chair has to be asked whether or not he or she would be able to stand.

Mr Runciman: Who contacted you? Do you recall?

Ms Eng: I think it was the appointments secretariat.

Mr Runciman: Carol Phillips?

Ms Eng: Yes, Carol Phillips.

Mr Runciman: Do they go through an interview process? Do they ask for a CV and that sort of thing?

Ms Eng: Yes.

Mr Runciman: Your appointment expires in a few months, does it not?

Ms Eng: My initial appointment, yes.

Mr Runciman: Have you been asked whether you would be interested in a reappointment?

Ms Eng: Yes.

Mr Runciman: What is your position going to be?

Ms Eng: That I would like to be reappointed. I understand that the process may have gone through.

Mr Runciman: I see. This committee does not have purview over reappointments, so we would not be made aware of that.

Talking about morale, if I have time for a question—we can go back later to the story of the police being accused of scare tactics—another thing that bothered me personally was reading a story in the past little while about an individual by the name of Dudley Laws, who seems to pop up on CITY TV every time you turn around. Chief McCormack and other officers of the force, as I understood the article, left the meeting of the police services board when Mr Laws started to speak or was present, because I gather he is under some criminal charges. There are lawsuits he has launched against perhaps the police—

Ms Eng: The association.

Mr Runciman: I just wonder why you and other members of the board felt it was appropriate to hear from an individual like that.

Ms Eng: As you know, the board itself is a public body and we do have a portion of the board set aside for public deputations. I think the board members felt, as I did, that we have an obligation to hear from members of the public when they ask to speak, if they go through the usual procedures of putting in writing what it is they want to speak about and come forward and keep within the time limits. We have had public sessions as well at which anybody is invited to come forward and speak. We try to make sure we avoid any comment on specific cases before the courts in order not to jeopardize those proceedings, but aside from that, as a public body we are obliged to hear from everybody. It is important for us as public servants to make sure we hear from different segments of the community. Any individual, however often he pops up in the public, as you mentioned, none the less has a point of view that needs to be heard by us.

Mr Mills: I have a couple of questions. First of all, I am quite interested in equity. I am just wondering what sort of progress you are making here in Toronto with that issue, because I know in my riding it has become quite controversial, from talking to police officers and things like that. I am just wondering, has the war been won here, or are you making headway?

Ms Eng: I think the underlying principle of employment equity is to ensure that the police force itself is representative of the population it is serving. In Metropolitan Toronto we have certain guidelines in terms of the numbers we would have to have. They are percentages we would have of people from certain targeted communities. In your community it will be probably a different proportion. But the bottom line is proportionality.

The underlying rationale for doing this is not just to arbitrarily set numbers and to change the appearance of the police force for its own sake, but rather to ensure that a community and the police are able to properly cross the cultural barriers that sometimes exist between different communities. To do that, they can gain a lot by having people of those cultures be members of the police force and so they are more able to perform that function.

1130

Mr Mills: Another point I would like to question you on is that as the chair of the board, obviously from time to time the chief will come to you and present certain statistics and say, "If we don't do this, this will happen," and you are under considerable pressure to act upon, perhaps, the way I see it, one perspective. Have you any mechanism within your board that allows you to do some sort of research and ultimately say to the chief, "Well, we don't believe what you are saying because of this and that"? Do you have that and how does that work?

Ms Eng: I actually appreciate that question. The board office has that responsibility. The board office has now, as of this year, reorganized its budget to ensure that we do have in fact a research function. We have just hired a policy development officer, using the budget from another function that was deemed not to be necessary. We do have good cooperation from, say, the corporation planning group and the finance and administration people to assist us in developing our understanding of the situation and to be able to question and to make sure we are making the kind of decision we ought to be making.

Mr Grandmaître: We know you are right in the middle of budget debates. Your chief is saying that any major reduction in your budget would reflect on the services being provided at the present time due to the increase in crime, not only in Toronto but right across this province. You were quoted as saying that this is playing the politics of fear. Can you explain this?

Ms Eng: The response I was making was to a comment that crime will flourish if we do not have more police officers. I think the important thing for us to recognize is that people who are now strapped in the pocketbooks are sitting back and saying, "Is that true?"

We have a responsibility as a public body to be a little bit more incisive in our discussion of the issue. It is true that if you have more street-level enforcement and are able to round up the drug dealers and so on, who are themselves quite often addicts, you will prevent some break-and-enters, you will prevent some of the robberies and you will prevent some of the street purse-snatches. We will have an impact on the level of crime if we are able to do that. But that is set as a priority for the force and we will not remove that even if we do have budget cuts.

The level of service we have right now, if you cut people, cut officers for example, is not an eventuality that we are planning for. It does mean that we are going to have to not be able to get to certain calls as quickly as in the past. But, again, we have always been setting priorities. Emergency calls will still be answered as quickly as possible and we will look at ways in which we can redeploy the officers we have to ensure that we cover off the peak in emergency times without sacrificing service.

Mr Grandmaître: Have you not decreased the number of foot patrol officers in the last couple of years?

Ms Eng: Those numbers are awkward to work with. We are trying very hard to make sure that we can have a much better reporting system. We have had not a decrease in the number of police officers. We have redeployed them

to foot patrol in some cases, but some of them are needed for the cars. As people increase in seniority, many of them are on leave, and we have some secondments as well. The figures that show up on the charts are not necessarily accurate in that regard.

Mr Grandmaître: The composition of your board is seven members and eight staff. Can you briefly describe to me what the eight staff are doing?

Ms Eng: We have the executive director, John Campbell, who ensures that the board approval process, decision-making and so on is kept. He is also the person who maintains the records for the board, ensures that we are acting within our legislative authority and ensures that the proper processes are kept in that way.

There are three secretarial staff who have various functions to ensure the production of the agenda and the minutes and ensure the running of the office, handling complaints from the public, forwarding correspondence and dealing with those types of responsibilities.

There is an executive assistant who deals with the type of correspondence that cannot be responded to simply by referring it, but rather doing some investigation and bringing some officers in to assist us in understanding what the current situation is. There is an administrative assistant who assists Mr Campbell with his functions as the executive director of the board. We now have just engaged a policy development officer to assist us in the research function.

Mr Grandmaître: How many new positions, how many new staff, have you hired in the last 12 months for the police commission?

Ms Eng: In fact, I have hired none. I have inherited that structure. We are working at it to ensure that the people are redirecting their responsibilities to meet the board's priorities. One of the functions allocated to the board in the past was a staff inspector whose function was unclear. We were able to use that budgetary amount to allow us to have a research function.

Mr Grandmaître: You are not saying you decreased the active police force or services? Did you say that you abolished a superintendent's job?

Ms Eng: No, it was simply that as far as the board office was concerned, there was a staff inspector who was assigned to our office and we thought we could use that staff complement or budget for the research function, which we had none of.

Mr Runciman: Ms Eng, when you talked at the start of the morning about going to the Metro budget meeting, was your budget approved?

Ms Eng: It has not been approved yet, no.

Mr Runciman: It has not been discussed. That budget was a chopped-down version, from the original \$533 million down to \$519 million, is that right?

Ms Eng: That is right. We have said that we could cut it to \$519 million. Metro has currently set a flat-line guideline of \$511 million, together with the fact that we would have to absorb any salary increase within that amount.

Mr Runciman: But in this article that has the headline of accusing the police of scare tactics, you are quoted

as saying that the \$8 million can be in services and not affect staff, but you are going to have to eliminate sacred cows. When you were talking about that \$8 million, was that part of the \$519-million submission?

Ms Eng: The \$8 million would take us down from \$519 million to \$511 million.

Mr Runciman: So what you were saying is that although the board itself is suggesting \$519 million, we could really live with \$511 million?

Ms Eng: No, that reporter did not have it clear in his mind. In my mind was the fact that in order to get the first \$14 million in cuts, we had identified very quickly for the first meeting before the management committee \$14 million of items that we could cut, but many of them were the new programs that we had planned that would take us further into community-based policing and the Beyond 2000 environment. In order to preserve that, we were looking much more carefully in the ensuing couple of weeks for other kinds of cuts that were much more structural, that were much more ingrained and that would assist us in finding that \$14 million, instead of cutting some of the priority programs. If we have to go further and go below that, to \$511 million, we will do more of that, and we will continue to do that until we get to the point where we are affecting jobs. But our recommendation to Metro council at this time is that we hold the line at \$519 million and that Metro council will have to assist us in paying for the salary increase.

1140

Mr Runciman: And you think you can do the job at \$519 million? I know your original submission included 50 new officers, 50 civilians, more community-based policing, etc. I am looking at the statistics from 1990-91. Some of these can be attributed to the decline in the economy, but others I am not sure can be attributed to that. I am looking at homicides up almost 29%, attempted murders up about 60%, abductions up 18%. I do not want you to use scare tactics here, of course, but when you see those kinds of significant increases over a yearly basis, and what you are talking about here is in essence a freeze, what do you think those statistics are going to look like next year?

Ms Eng: I think it is important for us to realize that although police are an absolutely necessary ingredient in fighting crime and preventing crime, they are not necessarily sufficient by themselves. When we went to Metro council and stayed within its guidelines, when it had flat-lined everybody, we had originally said: "We came in with a responsible budget at \$533 million. We are prepared, as a result of the current crisis, to look for ways to bring ourselves down to \$519 million." We did not recommend that. We had recommended \$533 million, which would have included an additional 51 officers. If we are forced to, we will find ways to get the job done without those people.

The important thing, too, is to remember that at this time the crime rates are very much a function of the economy, of, perhaps over the longer term, a certain amount of social deterioration. These are all things where we, as part of the broader community, have an important role to play. But we cannot, by ourselves, change much in that area.

Mr Runciman: Something I do not see mentioned here—perhaps I am looking at it from a small-town point of view, I am not sure, but talking to police officers in my community, which is only a community of 21,000, they talked about the paperwork burden that has increased over the past decade, and the fact that police are so involved in filing forms, etc, and reports that you do not perhaps have the real police work being done in terms of time committed to it that was the case in the past. When you are talking about recommendations, I do not see anything—you may have said something in the past about this—but trying to alleviate paperwork is a role that certainly the provincial government could play.

Ms Eng: Absolutely. It is one of the things I would list. The reporter did not see it as important enough to list for you. The paper burden has become monumental. In fact there are forms existing that we do not know why we fill them out, but we do. What we have started to do is to try to identify those areas in which we have forms that we have not got a purpose for and to try to find out if we are under any legislative or other requirement to actually keep them. That is part of the process, no question.

With the technology we are introducing, and which we hope we will be able to continue to introduce, we will cut much of that paper burden. We in fact now have been in a position to introduce computer assistance in case preparation, for example, which is a massive paper burden. We have tried to introduce electronic notebooks that allow officers to actually file their occurrences in an electronic way so that the information is captured once for distribution throughout the organization on an as-needed basis and so on. We have introduced, for example, a mug-shot system, which will allow the photographs to be shared by different departments in the force without having to photocopy them and courier them to different places. All of this is in the works, and we are trying to make sure that we are getting a grip on that kind of management burden.

Mr Runciman: I appreciate your concern and the initiatives. This may be incorrect information, but I am wondering how that position jibes with the reported view you have that officers who draw a weapon from a holster should be required to file a report each and every time they do so. If indeed that is your view, how do you rationalize that with your concern about paperwork?

Ms Eng: I think the importance here is not whether there should be another piece of paper but why it is we ask for that kind of reporting. There is broad public concern about the use of force.

Mr Runciman: How do you know that?

Ms Eng: Because of the complaints, the concerns of the people, of the public.

Mr Runciman: You said there is broad concern.

Ms Eng: I think there is. I think if you ask people, it is my view and it is also the view of many others.

Mr Runciman: I prefer that phrasing.

Ms Eng: In government, and in passing the new Police Services Act and in looking at the whole issue today, at the use of force, the concern here is that we give our police

officers the right to use deadly force, because we have asked them to keep order among ourselves, but the public expects to have the force accountable to the public, as to when the force is used and whether it is reasonable and justified. We now require by legislation that if a shot is fired a report must be written and it is reviewed. The showing, pointing and sometimes accidental discharging of a firearm is also of great concern, I think, to the public. I would think they would support that kind of accountability.

What we have recommended at the board is a process by which the force by itself can ensure some level of quality control by ensuring that training officers and senior officers are able to review when occasions arise when force is used, whether it be from a choke hold or all the way up to a discharge of a firearm. That way the force itself can determine whether its training has been adequately received or whether it has to change its procedures. This will ensure that the public at large sees that the force is looking after its own use of force.

Mr Hayes: Ms Eng, recently you were actually complimented in the Toronto Star for challenging the remarks of Chief McCormack. When he said there was going to be more crime, you said he was indulging in the politics of fear and you would not indulge in that. I compliment you for that.

The question I have, though, is on the budget. If it is lowered and you are not able to hire the extra officers, what are your real plans for dealing with making the streets and the communities safer in Metro Toronto?

Ms Eng: I would like to ensure that people do not get the idea that the police by themselves can make the city streets safe. One of the concerns I have is that if people are frightened by the prospect of crime flourishing they will stay off the streets, making the streets a little less safe as a result. And if scare tactics would get me more money, I would probably use them myself.

But ultimately, in terms of the safety of our streets, we have to realize it is a community effort. People must feel they can work with the police to achieve those objectives. They have to understand what the challenges are and what constraints the budget creates for us. They have to understand that a safe street means not only racing across the city in a patrol car to answer a 911 call; it can also include community groups looking at Neighbourhood Watch initiatives or attending community meetings to identify community problems before they become policing problems. In many ways social and economic problems ultimately become policing problems, something we at the police force cannot do very much about. But we can point these things out, we can identify the problems.

Police officers on the beat have their fingers on the pulse of the city and can actually come forward and tell us about what they see happening, and they in fact do. The crime analysts we have in the force do that. They try to get a sense of things happening before they become serious problems. All these things together over the longer term, if we carefully plan and capture that information, will allow us to plan for providing better safety on the streets.

Mr Hayes: I have another question. You hired Mukwa Ode First Nations Consulting Inc. As a result of that, it was pointed out there were 14 aboriginal officers out of a total of 5,000. Of course Toronto has a population of native people of 65,000. There were some constructive suggestions. What is your viewpoint on this? Do you have any views on how the police force can attract more qualified native persons?

1150

Ms Eng: Certainly I do not think I can improve on the 40-some-odd recommendations made in the report. I have read the report and I have also asked for staff, and the board has asked the force to review the recommendations in detail to ensure they are workable, whether there are any problems with them. We have already done many of those things that they were not aware of.

I think the critical point made in that report was that you cannot expect to get a positive response to your recruiting efforts until you deal with the negative perceptions the communities now have about the police force and policing in general. Some of them are cultural, in the sense that they felt the native communities look at policing as what should be a peacekeeping role, whereas we project ourselves as having a law enforcement role, and that is difficult for them to accept. They find in many ways a lack of accessibility. Some recommendations refer to the actual structures of our buildings and so on. That is something that would be very hard for us to change, but we can try to soften that image. But more than anything else, they were asking us to breach that gap of mistrust.

The Vice-Chair: I would like to ask the committee for its consent. Ms Eng is due to come back this afternoon. However, if we go until 12:30 and do not bother having her back at 2, would that be agreeable with the committee and Ms Eng?

Mr Fletcher: I have somewhere to go.

Mr Hayes: Unless we can get some other members—I do have a meeting at 12 o'clock.

The Vice-Chair: Then we will come back at 2.

Mr Hayes: Just because I have to leave, I do not want to be responsible for Ms Eng having to come back. Do the members have a lot more questions they want to ask Ms Eng?

The Vice-Chair: If we do not have unanimous consent to sit until 12:30, then we will carry on.

Mr Hayes: I think we can sit till 12:30.

The Vice-Chair: Okay, thank you.

I would like to pose a question, Ms Eng. About eight years ago I had the opportunity to sit on the Ontario Film Review Board. At that time I was certainly surprised by what I saw. In your estimation, is the board operating satisfactorily with regard to the reviews it is doing? Do you feel that some of the pornography has a bearing on some of these statistics we see?

Ms Eng: I think our crime situation is very much a product of the social environment we find ourselves in. Certainly the violence against women and children has become a mounting concern. It is one that has gained current

notoriety although it has always been a problem that has been with us. At the force we have recognized this over the years and have at different times improved the different services we have, including now a separate sexual assault squad. We have a victim services program to assist victims of crime of that nature and others. The whole issue of the environment, which tends to have an impact on how people treat each other, is very much something the police must be concerned with. As I have said before, we pick up the pieces when society fails.

The Vice-Chair: In other words, you feel the film review board is doing its job satisfactorily, or could it be improved on?

Ms Eng: I have not really looked at that board. I am much more concerned with what we are doing and looking at some of the broader issues. But I recognize the point that pornography has a great role to play in society's attitudes and behaviour towards its vulnerable populations. Anything we can do as a society to prevent that is something I believe our force and our board would very much support. My personal opinions on that are not those that I wish to share.

Mr Grandmaître: Being responsible for the largest police force in the province of Ontario, how much input do you have to the Solicitor General's office? How often have you met with the Solicitor General or staff in the last 12 months?

Ms Eng: That is a very important question. I am a member of the external consultation committee which is made up of members of the police services boards, the Police Association of Ontario and the Ontario Association of Chiefs of Police. We are now in fact meeting with the Deputy Solicitor General to review the proposed regulations on use of force for the act and all other kinds of regulations for the Police Services Act itself, so there is a direct contact there.

I have also made it a point to try to keep in touch with the deputy in order to keep him apprised, and through him the appropriate departments within his ministry, of what initiatives we are undertaking and to give him copies of the minutes that would be of particular interest to him.

I know the ministry itself has an obligation to ensure some minimum standards at least to maintain policing standards throughout the province of Ontario, to ensure certain uniformity and so on. They issue directives from time to time that assist us with technical requirements of equipment and vehicles and so on.

Mr Grandmaître: With the latest amendments to the Police Act, would you say that most commissioners—I keep using the word "commissioner"—board members are satisfied with those amendments? What future amendments would you propose to the Police Act to make your job and also the police force's job not easier, but more acceptable?

Ms Eng: There are some technical, seemingly minor changes that have a very significant impact on us. For example, the probationary period for officers was reduced from 18 months to 12 months. What that means for us, given the amount of time they are actually in training and so on, is that we will have very little time to review the qualifications and capabilities of the probationary officer

before he or she becomes a full-fledged officer. Going back to the 18-month period would assist us greatly.

The second area that has created difficulty for a board our size especially, but possibly for other communities as well, is the discipline process. I am sure in your time on the board you would have had the occasion to have to deal with that. We deal with quite a number of them, as you can imagine, and now with lawyers attending on each side and so on, we do sit quite often for a day or so. What we are dealing with there, of course, is a person appealing a disciplinary charge under the Police Services Act. That appeal will have an impact on his own employment. It can in fact lead to a dismissal or any other number of discipline sanctions down from that. Needless to say, it is hotly contested, with the association acting on behalf of the officer and with the counsel for the force and for us assisting us in those deliberations.

The difficulty with part-time members, with legal issues being raised frequently, is the question of ultimately how we handle that. On one hand, it is difficult for us as a group of people with six of the people being part-time members to have the time and the background understanding of the issues from a legal standpoint, quite often, to actually decide and make adequate disposition of the situation. At the same time, we need to maintain that involvement because we set behavioural standards for the force and the officers. We see a need to continue to be involved, but we need to find some way of equipping us better to handle the natural justice issues that come up. I see that as an area that requires some structural review.

1200

Mr Grandmaître: One last question?

The Vice-Chair: Go ahead.

Mr Grandmaître: What are your thoughts on the police college? With the new technology being used today, we need, if I can use the word, smarter police officers and so on. What are your thoughts on the police college? How can they improve their teaching technologies and so on?

Ms Eng: My personal interest and the board's interest is to ensure that we make a massive investment in the training of our officers. Ultimately, they are the backbone of this entire organization. Their capabilities, their training and their sensitivities are absolutely critical to the success of this police force in dealing with crime prevention and, ultimately, safety in the streets.

We are at this point doubling our efforts in training in firearms, for example. We have always had an important priority set on officer training, because we have our own Charles O. Bick College in addition to the facilities we send the officers to in Aylmer.

In the Beyond 2000 report we look at the kind of officer who is going to be required to deal with the kinds of challenges we are looking at in the future. That means we need a person who has the ability to be flexible and adaptable, a person who has an appreciation of some of the social and economic context we operate within, a person who is going to be capable of learning over his or her career and lifetime, because there will be changes at an ever-increasing pace.

I see us going into lifelong learning ethics throughout the force. I see a need for retraining and constant training. I see a need for multiskilling to allow officers to move from one area to another. When we are asking them to take on the kinds of responsibilities in the neighbourhood policing environment, it means they will have to have a broader range of capabilities in problem-solving, in communications, in meeting people, in cross-cultural communications and in technology, because we will need to rely on it heavily to assist us in the future. We are going to be needing all of these skills from our officers, and we have an obligation not only to ensure that they have some of it when they come, but also to provide some of it during the course of their careers.

Mr Grandmaître: Do you think these changes, as far as the police college is concerned, are coming?

Ms Eng: Yes. Even subject to the budget restraints, we are hanging on to training as a priority. We have introduced some consultants who have talked to us about adult learning techniques and requirements to deal with in-service requirements; the way you approach people who are already on the job and are not used to a classroom setting, for example. All these issues are important. I feel that this board particularly and senior management of the force see a need to maintain our investment in training.

Mr Runciman: I have just one more area that I want to briefly explore, and that is the old question of crime statistics. I think it was a namesake of yours, Sergeant Ben Eng—I may be wrong on the name—who made some headlines some time ago about the question of compiling crime statistics. I am certainly not qualified to take a pro or con stance in respect of this, but I know that the Federal Bureau of Investigation in the United States compiles these kinds of statistics.

It strikes me that if there is a particular element of society committing a disproportionate number of crimes, those statistics should be available, for internal use only, at the highest levels of the police force. I do not see them as something you are going to run in the Metro media, but it seems to me, in terms of devising strategies and developing programs, etc, that you would want to know what elements of your community were the source of major problems. It seems to me that the only way that can be achieved is through the compilation of these kinds of figures. I just wondered what your view is on that.

Ms Eng: As you know, the point you are making is crime statistics based on the race of the perpetrator. The FBI has, I understand, collected these statistics, but the FBI does not use them for any purpose whatsoever.

The importance here in the debate is, what can we do as a police force to get the kind of information that is going to allow us to predict, to some extent, what the crime trends are and to do something about it? That is a critical public issue and certainly something we are after doing. What we did do was try to engage in some research to see what our criminologists and police professionals are doing today to get a handle on that information. What we found was that people are no longer pointing fingers at

genetic characteristics or single factors. They found that instead we are looking at situational analysis for crime.

We talk to our own crime analysts who tell us that when they look at a situation to try to decide where they are going to deploy, where they are going to look for problems, they look at the crime rates in the immediate past, the types of crimes that are committed and the economic situation as well. In our long-term planning, which you see represented in the environmental scan process, you will see also that we look at demographic changes and economic pressures, all of those things, in order to identify where we should be putting our resources.

We also have seen the federal Solicitor General put together a group of criminologists and other policing professionals and sit them down in a room for a couple of days and ask them, "What would you do with crime statistics based on the race of the perpetrator if you had them?" They said, to a person: "You tell us what you want us to use those figures for. We'll tell you how you get them and what you can do with them or what they will show." But at the present time, we as a group of professionals have found no use for them whatsoever, except for people who from day to day—every day you find somebody who will rise up on his hind legs to point his finger at somebody for causing crime. Ultimately they said, "If you can tell us what use we can make of these figures, we will get them for you, and we will get them for you scientifically and properly." They found that they could not come to any kind of indication as to how they might use that information.

They did indicate, however, that if you look at what the Manitoba justice committee inquiry did in looking at the overrepresentation of natives in the jail population, it was able to show that there were populations that, because of their own cultural or racial characteristics, were being treated differently from others. They said there was a useful purpose in collecting statistics within the justice system, to show that kind of situation, but as for predicting who would commit crime, they said it would not be very useful, nor would it do anything.

The question for us as public people and policymakers is, when you have that information what are you going to do about it? Are you going to actually find people of that colour, round them up and do something with them? It is a very difficult question and I think it is very important, especially in a very highly sensitive area, for us as policing professionals to decide what exactly we are going to do with this information before we ask for it.

Mr Runciman: Just as a brief comment, it seems to me one area that this sort of information could be useful in is if you are dealing with a particular community within the broader community and there are concerns about police harassment. I think working with the representatives of that community, if you have those kinds of statistics available, they perhaps can convince those folks that indeed there is a problem in this area and that we have to work together to resolve it and simply that the police are not focusing in on a particular racial minority simply because there is some sort of bigotry or overtone of racism. I think there may be useful areas there as well.

Ms Eng: I understand your concern. There are communities that feel hard done by currently, and they have to be reached. Certainly just the other day one of the deputies came to me and said: "Look, we have to find a way of doing this. We have to find a way of reaching across this gap that there is." I agree and I am prepared to do that. I am prepared to go out into the communities with him and any of the other officers we can gather together to speak to people specifically about issues that occur within different areas of the city and so on. But when you are trying to address a community as a whole and you want to get cooperation and you want them to hear you out and to see if they can look for problems they can help solve as a community, I do not think you start with a process which ultimately lays blame at their feet. I think that if your ultimate aim is to get that kind of cooperation, you have to reach across in a less aggressive way.

1210

Mr Fletcher: Thank you, Ms Eng, for being here. I have heard so much about you. As far as your job is concerned, your position, inevitably your job description, what you do is going to bring you into conflict with the police chief, no matter what happens, on different issues. It could be funding, it could be anything. But the nature of the job sets it up that way. Is that the way it is?

Ms Eng: In many ways there needs to be cooperation and there has to be understanding of the different positions we represent. The board has a vital function to be the voice and a bridge for the community in dealing with the police. We are a civilian authority. We have the mandate to govern the police force. As people who are not policing professionals, we have a lot to learn always, and sometimes there is a great deal of impatience with us as we struggle to get up to speed.

A lot of that also comes as a result of the policy issues becoming much more sensitive and dynamic at the present time. People are asking for change, perhaps with greater impatience, and you are asking a force that is very proud of its tradition to suddenly change quickly, on a dime, things it has been doing, and so necessarily there is going to be a difference of opinion and a difference of approach and a questioning of each other's motives, to some extent. I hope that in the last few months we have been able to have a very good working relationship. We have been productive. We have had good policy advances. We have brought in a very sensible and responsible budget. By and large, the day-to-day workings have been very dynamic and positive.

Mr Fletcher: So you do not see yourself as an enemy of the police force or anything?

Ms Eng: I would not have taken on this job in order to be an enemy of the police force from within. That is a foolish approach to take.

Mr Fletcher: In my community we find it amusing, some of the petty politics that go on in Toronto over some of the issues. As far as the chief's statement that crime is going to increase without spending is concerned, I think what you said was courageous, and also right. It is clear that they are playing politics. I know that in the United

States one of the fastest-growing budgetary items in most cities is the police force. Crime is still increasing and they are addressing it by throwing money at it. I agree with you, I do not think throwing money at the situation is going to solve the problem.

As for the concept of this neighbourhood police force, is that just a PR thing or is it going to get into the neighbourhoods and be active? In my community—again, I am not from Toronto—when we interact with police, it usually is not when we are being arrested. It is at the arena, at the ballpark, in the schools. Yet here in Toronto, the only time I know anything about the police is what I get from the media, and that is when they are responding to a call or a crime.

Ms Eng: The media are not interested in good news; they are interested in news that sells newspapers. The ones that capture the public imagination are those moments of tension and confrontation. That is why I think the supposed tensions between me and the chief are far overplayed, and for their own purposes.

In terms of dealing with the community, I think getting back to basics is what we have to be about, not only in fact but also in public perception. We would like to get back to the days when police officers very much knew the communities they worked with. Over the course of the last few months I have had occasion to meet with people who indeed fulfil that role, but they are unsung heroes. They are people who know the communities very well and can talk a lot about what the needs are, what the priorities are, but their voices have not been heard and they have not been used anywhere. I would like to see our force actually capture that information and utilize it in its planning.

In the beyond 2000 implementation committee, one of the vital components of the exercise is to involve line officers with the planning process in order to get that proprietorship on the one hand, but also the knowledge and input we can gain from them. I think we can get back to that position. In fact, we have to get back to that position.

The United States, even with its burgeoning budgets and crime rates, is also turning to community-based policing as the solution. One of the greatest proponents of that of course is Lee Brown, the chief commissioner in New York City, which has made a reputation for itself in terms of its problems. They see that community-based policing cannot be a PR function—if it ever was, for that matter. Rather, it is a vital part of preventing crime over the long term.

Mr Fletcher: Just one more thing, Mr Chair, and it has to do with what is going on as far as Toronto is concerned, the Guardian Angels idea. Are the police receptive to that sort of community involvement or is that going a little too far?

Ms Eng: I think that is beyond what we anticipate as community involvement. The community involvement we are looking for is that which prevents crime and educates the population about looking after its own safety, taking measures to prevent not only the specific incidents of crime but also the factors that contribute to it.

In some cases it is as easy as changing the lighting on a street or changing a deadend street. In other cases it is

more to understand that a lot of poverty leads to a certain type of crime that is potentially preventable and that there needs to be community outreach and there needs to be organizations, say, to set up community centres. If people are hanging out at a shopping centre, maybe they need a place to hang out. They are not actually there to rob all the stores. If people look at that as an alternative to just being fearful, then there are opportunities to try to prevent crime over the longer term.

The Guardian Angels you mentioned are something that neither the force nor the board endorse whatsoever. We see that as a real problem. We see that ultimately as society giving up and letting vigilantes and the criminals take over the streets.

Mr Fletcher: Thank you. It is a pleasure meeting you.

The Vice-Chair: We have 10 minutes left and we have two speakers. On the list are Mr Jackson and Mr Frankford. I would ask that we split the time between the two of you, five minutes each. Mr Jackson.

Mr Jackson: Ms Eng, welcome. I want to ask you about a couple of women's issues as they relate to the police services board and/or police services. The statistics I have seen with respect to the non-charging for violence in a domestic setting are rather disturbing. In the absence of a victims' rights legislation framework in this province, I have been at least successful with the Halton board, which is where I am from. We have a protocol there which says that victims can be interviewed by officers of the gender of their choice. This is uniquely something we developed out of our area.

Can you indicate if this is something you are considering or will be implementing? Then we can move into some employment equity issues.

Ms Eng: Two things: The charging policy is something that we are working on. It is important to recognize that charging does have an impact on repetition of those kinds of offences. In terms of whether or not we can implement a system whereby a person can ask to speak to a man or a woman if he or she is more comfortable, we are trying to accommodate that as much as we can. But we try harder to sensitize all officers, men and women, to be able to deal sensitively with these issues.

Mr Jackson: Eighty per cent of all crime is a function of the victims coming forward, and the focus is actually whether the victims perceive they have sensitive officers or not. Any sociologist will tell you that. So I support the sensitizing of officers, but the gender issue still is a legitimate issue in the minds of the victims. I am hopeful you will move in that direction. I leave that with you.

You did not close the door to potential cuts of staff. You said you are very hopeful that you will be able to avoid it. As a lawyer, and given that you have your employment equity support staff in attendance, should it come down to layoffs you are bound contractually, and last hired, first fired is the principle in this province. In the interest of assuring a certain number of female officers, are you empowered to lay off the males before you get to the females or must you hire on your alpha code or the day they were sworn in or whatever?

I know this is a difficult question, but it is one I am very concerned about. Whether it is francophone representation—when there are cutbacks, they are the last hired and they are the first fired. Also visible minority officers will be caught in this. We have a trend that it is now backing up in this process. I have a lot of legitimate concerns in this area. Could you speak to us about this?

1220

Ms Eng: You have put your finger right on the button on that one. Clearly it is a last in, first out option that we have, which is required of us under the collective agreement. We have made most of our gains in employment equity in the last few years, so the obvious is before you. The question of whether we can set priorities in not firing those who are employment equity targets is something that we have to examine legislatively, but certainly from a policy standpoint we have to see whether we can avoid having to do that and to in fact lose all the gains we have made in the last few years.

Mr Jackson: I would just submit to you that that model is operational in collective agreements in school boards. You may wish to examine how it is done there. They allow program protection, and it has been in operation for 15 years in this province.

I want to ask you another quick question that has to do with the issue of pornography. I have had occasion to talk to Inspector Fantino when he was with you under project P. I am not concerned about the tension and the dynamics on the censor board, which is now the film review board. I am more concerned about your officers who are going out and laying charges when the crown attorney's office encourages them to do this, and then the crown attorney's office changes its mind. You are aware this has been an occurrence and has been an occurrence during your term as chair.

In a contracting system, you are looking at specific crimes and having to say to your officers: "We're not getting value for our dollar out here. We cannot be out doing work on pornography if we're having the legal, court-based rug pulled out from underneath us by the Attorney General's office that is saying, 'We're not prepared to proceed with an action, when we may have told you two months ago to proceed.'" This is a legitimate politicization which you are caught in. I do not indict you for your responsibilities in this area, but I see the politicians changing their minds about what constitutes community standards. Let's let the courts decide. But if our officers are going to be out there doing the work to lay charges and then all of a sudden the rug is pulled out—I know this is occurring in other areas as well.

The Vice-Chair: What is your question, Mr Jackson?

Mr Jackson: I think Ms Eng knows my question. I have used two illustrations. Could you speak to us about that, because I see that as an area that could be expensive, and as you have said, you want your term so that our public policies should be more open for public scrutiny. This is an area where the public, the women's movement, is wanting to talk to you about this issue.

Ms Eng: I think you are right about that. As much as we are obliged to enforce the entire Criminal Code and the

Highway Traffic Act, we obviously cannot do every little piece of it. Ultimately the public has to help us decide what those priorities are. They will have to make a decision about whether we care more about violence against women and the impacts or whether we want to have our officers round up prostitutes or bust pornography shops. These are decisions that have to be made within the public context, and we have to be in a position to assess that sentiment and to try to create policy around it. But we are none the less confined by the requirements of the legislation; if there is a breach of the law, we are obliged to pursue it. But as to how many resources we apply to it and how frequently and so on, those priorities have to be set with the help of the public input.

Mr Jackson: Thank you.

Mr Frankford: You mentioned to Mr Mills the research you are developing. For police outside Metro, can you tell me what the situation is? Does the Solicitor General provide those sorts of resources, or is there a vacuum which needs to be filled?

Ms Eng: When we have asked for further assistance from the Solicitor General's office they remind us that although they may seem like a big ministry they actually have limited resources themselves. In our own case, we did not have a research function before, and I have had to find room within the budget to get that research resource. The research requirements in Metropolitan Toronto are not unlike those in the other municipalities, of course, but I think we have a greater urgency to settle up some of those points and we have a greater volume of some of the concerns as well. It is really critical, I think, for the board members to be able to equip themselves with the information and the research to help them make appropriate policy decisions.

Mr Frankford: Your research presumably is criminological, looking at correlates of crime and determinants.

Ms Eng: Some of that. The research also includes gathering that public opinion and making sure the public understands what our restrictions are and the things we need to do better. Some of that is capturing that sort of dynamic. Also, in our corporate planning area they look at demographics and social trends and so on. On top of that we have to look at criminological studies as well. From a policy standpoint, in our office, the board's office, we had to take public positions on issues such as use of force, accountability for use of force, the employment equity activities and where we set those priorities. There is concern about domestic violence and there are concerns about youth. Those kinds of broad policy positions and initiatives we can take as a board on behalf of the whole force are things we need the research function for.

The Chair: Ms Eng, thank you very much for your appearance here this morning. It has been very interesting indeed. We want to wish you well with your budget efforts. Good luck.

Ms Eng: Thank you very much.

DOROTHY NEILSON

The Chair: Members, before we break I want to raise one issue that is sort of hanging fire. That is the appointment of Ms Neilson to the Northern Ontario Development Corp. We have unanimous consent to concur with Ms Neilson's appointment; somewhat grudgingly, but we have it.

We are going to adjourn now. Members of the subcommittee, I want to remind you that we are going to have a meeting following this, in two or three minutes from now, in room 230 with lunch. Meeting adjourned.

The committee adjourned at 1228.

CONTENTS

Thursday 30 January 1992

| | |
|--|-------|
| Agency review | A-837 |
| Metropolitan Toronto Police Services Board | A-837 |
| Susan Eng, chair | |
| Dorothy Neilson | A-850 |

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Agency review:
Ontario Northland
Transportation
Commission

Chair: Robert W. Runciman
Clerk: Douglas Arnott

Assemblée législative de l'Ontario

Première intersession, 35^e législature

Journal des débats (Hansard)

Le mardi 11 février 1992

Comité permanent des organismes gouvernementaux

Examen des organismes
gouvernementaux :
Commission de transport
Ontario Northland

Président : Robert W. Runciman
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Table of Contents

Table of Contents for proceedings reported in this issue appears at the back, together with a list of committee members and other members taking part.

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at (416) 325-7400.

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Table des matières

La table des matières des séances rapportées dans ce numéro se trouve à l'arrière de ce fascicule, ainsi qu'une liste des membres du comité et des autres députés ayant participé.

Il existe un index cumulatif des numéros précédents. Les renseignements qu'il contient sont à votre disposition par téléphone auprès des employés de l'index du Journal des débats au (416) 325-7400.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Tuesday 11 February 1992

The committee met at 1006 in committee room 2.

AGENCY REVIEW

Resuming consideration of the operations of certain agencies, boards and commissions.

ONTARIO NORTHLAND TRANSPORTATION COMMISSION

The Vice-Chair: This morning we are dealing with the Ontario Northland Transportation Commission. For Hansard, would you give us your names and the positions you hold.

Mr Sinclair: My name is Mac Sinclair. I am chairman of Ontario Northland Transportation Commission. With me is Mr Peter Dymont, president of Ontario Northland, and Cindy Boston, vice-president of administration and development at Ontario Northland.

The Vice-Chair: I presume you have an opening statement you would like to make?

Mr Sinclair: I would just like to perhaps reinforce some of the information members of the committee have received, as I understand it.

Ontario Northland is an agency of the province of Ontario. It has existed since 1902. It provides essential telecommunication and transportation services throughout parts of Ontario. The services are manifested in the form of freight trains, passenger trains, buses, aircraft and marine services, ferry boats principally, in the Bruce Peninsula area and the Manitoulin area. We also have a very strong and busy telecommunications business that runs essential telecommunications services from North Bay to Moosonee and beyond, up to the Hudson Bay coast.

We employ approximately 1,500 people on a regular basis and some of those people work in Toronto, a very few. A lot work in North Bay and up the northeastern corridor. We also have employees who work in the Moose Factory area, Moosonee and Timmins and beyond, to the Lakehead. Essentially it is an agency that operates, and the agency is represented throughout the north.

The Vice-Chair: Thank you. Questions from members. Mr Grandmaître, do you have anything to start with?

Mr Grandmaître: Not for now, Mr Chair.

The Vice-Chair: Okay. Anything from the government side?

Mr Marchese: Is that the presentation or is there any other information that members want to add in terms of other background or issues they are confronting on a regular basis?

The Vice-Chair: I asked Mr Sinclair if they had an opening statement; he said they had not.

Mr Marchese: That was it?

The Vice-Chair: He made a small presentation, so it is up to the committee members now if they want to proceed and ask questions. That is my understanding, unless Mr Dymont or Ms Boston would like to make some comments.

Mr Dymont: We will just leave it the way it is.

The Chair: Mr McLean, I know you have some questions.

Mr McLean: Yes, I have. Is the Ontario Northland Transportation Commission looking at hauling, in cooperation with CN or CP, garbage to Kirkland Lake?

Mr Dymont: We are not. We did at one time work with CN and CP. Both those plans have been shelved.

Mr McLean: At this stage you are not interested in playing a part in that transportation network I understand CN and CP have been dealing with?

Mr Dymont: We are interested in transporting anything into the north or out of the north. We are very competitive and can do a good job. It is my understanding that there will not be such a haul.

Mr McLean: Your transportation link with regard to Star Transfer is not a money-making proposition. With the amount of money that is being lost every year, why are you continuing to pursue the transportation with regard to Star Transfer?

Mr Dymont: The feeling at the moment, and it has been reviewed over the last few years, has been that there needs to be trucking competition in the north. It is also felt that the northern trucking company should be located in the north, headquartered in the north and run from the north. Star fulfils that objective quite nicely.

Mr McLean: I would like to move on to some of the things we discussed yesterday, in camera, with regard to the information we have on the ONTC purchase from Gray Coach and the approval from the Ontario Highway Transport Board. Is that approval a binding agreement, whether it is commercial or not?

Mr Dymont: In this regard I would seek some direction from the Chair. I understand this particular transaction has been sent to cabinet in the form of a petition, so I will need some guidance as to whether the Chair would like me to answer these questions or would like them done in camera.

The Chair: I have a memorandum before me for the information of the members of the committee and the witnesses in respect to the possibility of this matter being raised. The subject could possibly be declared sub judice. I think that if we want to pursue this area, and the witness has suggested this, rather than my making a ruling on it, we may indeed move in camera to discuss this. I know it was the subject of significant in camera discussion yesterday. Perhaps that would be the appropriate way to deal with it.

Mr Marchese: Mr Chairman, I suggest we leave towards the end whatever is to be in camera and let the public discussion go as far as we can let it.

The Chair: I have no problem with that. How does the committee feel?

Mr Grandmaitre: That is fine with me.

Mr McLean: Yes, I think that is fine.

The Chair: All right. Can we move into another area for now?

Mr McLean: I can move into another area with regard to that. I had a phone call yesterday from a tour company, Bob-Kat Tours. I asked them to fax me what information they had with regard to their operation. They are a long-standing member of the Ontario Motor Coach Association. They are concerned that you are going to be setting up and operating charter tours out of the city of Barrie. Would that be correct?

Mr Dymont: That is correct.

Mr McLean: Therefore, you would then be offering tours to US destinations and out-of-province tours?

Mr Dymont: From Barrie, yes.

Mr McLean: Do you think that it is appropriate to be spending taxpayers' dollars subsidizing a motor company, ONTC, when private enterprise is in competition with it?

Mr Dymont: No, I think it is inappropriate to spend taxpayers' dollars for that purpose. We have no intention of spending taxpayers' dollars.

Mr McLean: I think I can get into this area, with regard to the Owen Sound-Collingwood corridor. Those routes are not part of what you are taking over?

Mr Dymont: I guess I would seek direction from the Chair. Are we not getting indirectly into what you suggested directly should go in camera?

The Chair: I was not paying attention to the line of questioning. I will have to look to Mr McLean, whether he feels it was touching on the same area.

Mr McLean: It may be. I guess the other question I can ask, then, is with regard to transfer of tickets from one company to another, the area of cashing in, whether Penetang-Midland Coach Lines or another. My understanding was that the tickets were not transferable. We have letters from a young lad indicating a problem he had. I would like to know if that situation has been cleared up or not.

Mr Dymont: There is no formal agreement between bus companies in the province as to interlining of tickets. If you give me the specific information, I could look into it.

Mr McLean: You are not aware of the specific information with regard to transfer from one ticket company to another?

Mr Dymont: No. There is no formal agreement between companies. If you could let me know who the young lad is and where he tried to travel, I will get back to you with the details.

Mr Jackson: If I could go back to two previous questions, you indicated it would be inappropriate to conduct tours outside of Ontario. Did I hear you correctly?

Mr Dymont: With taxpayers' money.

Mr Jackson: I have a copy of your 1990 motor coach brochure. There are 17 tours listed here and only three of them are in Ontario; the rest are outside of Ontario: Nashville, Arizona, Newfoundland, Washington, etc. Are you indicating you can warrant that none of those are operated with any support or assistance from the taxpayers of this province?

Mr Dymont: Yes.

Mr Jackson: How can you do that?

Mr Dymont: I would have to refer you to our financial results and get back into the question Mr McLean wanted to get into with regard to commercial and non-commercial in bus operations, which I am prepared to do, under the guidance of the Chairman, in camera.

The Chair: Personally, I am confused as to why this line of questioning would infringe on that subject area.

Mr Dymont: Fair enough. Our bus operations are a commercial operation which, by memorandum of understanding with the province and by guidance from the Management Board of Cabinet directives, must not be parasitic on public funds. They must be sustained entirely by revenue generated by the Ontario Northland Transportation Commission, and they are.

Mr Jackson: If you are operating buses, period, regardless of whether they leave the province or not, some routes or lines will be more lucrative than others and some you will operate at a loss. Are you assuring us that every one of your lines operates at a profit?

Mr Dymont: Bus companies, certainly in Ontario, and probably in North America, operate scheduled passenger runs, and Ontario Northland is not unlike those other companies in that those passenger runs are not lucrative. In order to subsidize the passenger runs we run charters and tours. These charters and tours are more lucrative than running regular scheduled passenger runs. They in effect assist us in providing the regular passenger service.

Mr McLean: As to the memorandum of understanding with regard to the Ontario Northland Transportation Commission, I thought it was understood that it was to provide services to northern Ontario mainly. Was that not the case?

Mr Dymont: Not entirely.

Mr McLean: What is the memorandum of understanding between the Minister of Northern Development and the ONTC?

Mr Dymont: It is an 18-page document which articulates the way we do business and the way we interact with government.

Mr McLean: So the mandate is also to supply services in southern Ontario?

Mr Dymont: Yes. Ontario Northland provides the link between communities in the north, and provides the link

from northern Ontario to the world. In order to provide that link, we must somehow connect with southern Ontario.

Mr McLean: You are saying, then, that you could run a corridor from Windsor to Ottawa without getting a new licence.

Mr Dymont: I do not know how that would provide a link to northern Ontario.

Mr McLean: I thought you just finished saying that it provides a link to anywhere in North America.

Mr Dymont: To the world, and in order to connect to the world we must connect from north to south Ontario.

Mr McLean: Could you not go from northern Ontario to Ottawa to Windsor?

Mr Dymont: We could, but I think that would be stretching it.

Mr McLean: The fact is that it could happen but it does not.

The Chair: Does a member of the government caucus wish to ask a question at this point?

1020

Mr Waters: I have a couple of questions. I just did a tour of the north on snowmobile, gentlemen. I have some concerns because the rules are inconsistent. I checked with several snowmobile clubs and they are concerned. After all, I represent tourism. When I see in a particular area that to have a crossing on ONR tracks a person has to sign away his life and everything his grandchildren and great-grandchildren will probably ever have if there should ever be an accident, yet in other areas they do not—that is, these people have to sign an indemnity agreement saying that any losses, damages, costs, demands, claims, charges, expenses, howsoever caused, that these people will have to pay that. That was in one area. I checked throughout the north. These were the only people. Can you explain why this would be happening in one area?

Mr Dymont: To the best of my knowledge, we only have two snowmobile-crossing agreements and they are identical.

Mr Waters: I crossed your track several hundred times this winter.

Mr Dymont: We have just discovered a trespasser.

Mr Waters: You mean that you do not allow snowmobiles to cross your tracks, where CN and CP do?

Mr Dymont: No, we allow them to cross our tracks if they sign an agreement. To the best of my knowledge, we have two signed agreements.

Mr Waters: That is this agreement.

Mr Dymont: Yes, that sounds like the agreement.

Mr Waters: This was the only one that had this that I could find in my travel to the north, which is the indemnity part of the agreement, which is totally separate, a separate signed document.

Mr Dymont: By the same people?

Mr Waters: It was only the one club that had to sign it that I had found. I was just curious about that.

Mr Dymont: We are addressing the question of snowmobile crossings right now. We are working with the Ontario Federation of Snowmobile Clubs, attempting to come up with a standard form of agreement so that other clubs may sign an agreement with Ontario Northland, but at the moment those other clubs have not approached Ontario Northland. Any of the crossings you may have seen were simply trespassing.

Mr Waters: The other question I have is, how long would you say it should take after you sign one of these agreements before you actually receive a copy of it?

Mr Dymont: I am afraid I cannot comment on the legal process.

Mr Waters: Is it about two months? You should have something within two months after you sign it, you should get a copy of an agreement?

Mr Dymont: I would think so.

Mr Waters: That is interesting, because these people have waited over two months so far.

Mr Dymont: And they do not have an agreement?

Mr Waters: They do not have a copy of it, not yet. They signed it and they never ever received a copy of the formal agreement.

Mr Dymont: If you could give me their names, I will certainly get back to them and you.

Mr Waters: This agreement is updated to this year. I would like that back because that is the only copy I have at this point.

We have tried to talk about PMCL and Ontario Northland, and you would like to do that in camera. What about Hammond Transportation and its concerns? Would you sooner do that in camera too?

Mr Dymont: I have no—

Mr Waters: They have some major concerns about your getting into the charter business and going south, picking up people in Muskoka and the Simcoe county area. They have no concerns with your chartering to the north; it is to the south that they are concerned about.

Mr Dymont: I have personally talked to Hammond on two occasions and assured them that we will do nothing that Gray Coach Lines did not do. They have my assurance.

Mr Waters: Did Gray Coach charter to the south?

Mr Dymont: To my knowledge, no.

Mr Waters: Okay, so you are not going to do that, which will relieve those people.

I understand that you do not wish to talk about the PMCL thing until we are in camera, so I move on to another one. The new train coming south, is it running now?

Mr Dymont: Yes, as of February 9.

Mr Waters: I understand they no longer have a dining car.

Mr Dymont: They have a food service car.

Mr Waters: Yes, a snack car.

Mr Dymont: A snack car, yes.

Mr Waters: Was that done for financial reasons, the downgrading of the food service?

Mr Dymont: Yes, it was.

Mr Waters: I cannot tell you who, because they do not wish their names to come forward, but if I were to tell you that someone from Ontario Northland said there was \$6,000 to \$8,000 a year wasted in the purchasing price of food and overpayments enough to make that dining car unprofitable, would that surprise you at all? They did say they told the management and that the management turned a blind eye.

Mr Dymont: I deal with hundreds of hidden recommendations a year; it is difficult for me to get at. I can tell you that in 1991 the dining car on The Northlander lost \$800,000. That is a subsidized service. The taxpayers of Ontario paid \$800,000 for travellers to eat. If you would say we could have saved \$8,000 on food I would love to know how. I can assure the committee that if it is a prudent, open tendering system I will make sure we save that \$8,000. But our task was to save more than \$8,000. We tried to cut the \$800,000 back. We think we have cut it back by about \$500,000 by going for a snack car.

Mr Waters: How are you going to deal with the staff?

Mr Dymont: We have already dealt with the staff.

Mr Waters: I read this and it is a 12-hour trip, so the staff are on the train for 12 hours?

Mr Dymont: They will be, yes.

Mr Waters: They have to work for 12 hours. Do they get time and a half for three or four hours?

Mr Dymont: We have negotiated the arrangement for the staffing of the train with their union. It was done in a spirit of cooperation, an open and frank negotiation.

Mr Waters: Do you have a permit for excess hours?

Mr Dymont: I do not believe we need one.

Mr Waters: Then you are different from most places of employment. We used to have to have them.

Mr Dymont: No, I think there is an averaging system that can be employed.

Mr Waters: You have to have a permit to allow for an averaging system.

Mr Dymont: We come under federal jurisdiction. The federal law does not require that.

Mr Waters: Okay, so what I understand is that these people work for eight hours and somewhere in there you close the dining car or the snack car for four hours or something?

Mr Dymont: That is not our intention. We would open a snack car when it leaves its originating point and close it prior to its terminating point.

Mr Waters: Can you explain to me how these people, what kind of agreement, or is that—

Mr Dymont: No. I can file the agreement with the committee if you wish.

Mr Waters: I would appreciate that. I would like to have a better understanding of that. It is difficult, because what I want to talk about is the part that I cannot. I will pass for now.

Mr Grandmaître: I would like to go back to the Star Transfer Ltd, or the trucking division of ONTC. In your opening remarks, Mr Dymont, you mentioned that you were very, if I can use the word, concerned about using taxpayers' dollars, that you should not be using tax dollars to provide competition. Did you say that or did I misunderstand you?

Mr Dymont: I believe in that principle. I hope I said it.

Mr Grandmaître: The Star Transfer trucking business has been losing money for a good number of year; am I right?

Mr Dymont: Yes, you are right.

Mr Grandmaître: What other competition is there in northern Ontario?

Mr Dymont: The competition for the type of business we are in that I consider to be licenced competition would be Manitoulin Transport and Trans Provincial Freight Carriers.

Mr Grandmaître: If you were to eliminate that division, do you not think these people can do as good a job or maybe a better job?

Mr Dymont: First, I do not believe they would go to all the little locations that Star Transfer goes to. Second, if they pulled out I believe the north would lose a head office.

Mr Grandmaître: The north would lose?

Mr Dymont: Yes, Star Transfer is operated out of Timmins and does all its billing and clerical work and decision-making in Timmins. It is a Timmins-headquartered organization. I believe that if we sold Star, we would probably end up selling it to Kingsway Transports or Canadian Pacific or somebody like that and it would be operated out of the south.

The Chair: I am going to allow a brief supplementary for Mr Brown.

Mr Brown: On that point, Mr Dymont mentioned that Star serves communities that are not serviced by private carriers. I just wonder if we could have a list of those communities that are not serviced by the private sector.

Mr Dymont: Yes, I can provide that list.
1030

Mr Grandmaître: So in other words, Mr Dymont, you specialize in areas where the competitors, if I can call them that, or the private sector does not provide services. That is the type of trucking business you provide in northern Ontario.

Mr Dymont: No, I believe I have left an illusion with the committee if you have interpreted that. We provide a service where the other carriers also provide a service. We go to some communities that they do not go to in doing so, but the majority of our traffic comes from places like Timmins, Kirkland Lake and Tri-town, where they also serve.

Mr Grandmaître: Why would you be in the business as a losing factor? Why would you stay in this kind of business? You are using tax dollars.

Mr Dymont: No, we are not using tax dollars. It is coming out of our commercial revenue. We are not allowed

to use tax dollars. As a matter of fact, we do not have the mechanism for using tax dollars, but this particular enterprise must be subsidized by our telephone company or by our freight train operations.

As I mentioned, it is an northern Ontario company headquartered in the north. If it did not operate, one northern Ontario company would be pulled out of the north and there would be less competition.

Mr Grandmaître: Let's go on to your bus division. Personally, going through my notes, I think you are competing against the private sector and again you are losing money year after year, so why would you stay in business using tax dollars to offer competition to the private sector?

Mr Dymont: First of all we are not using tax dollars and, second, there are no other bus companies up there.

Mr Grandmaître: Where are you getting your subsidies?

Mr Dymont: From the telephone company, from the freight train—I want to reiterate that there are no other bus companies up there. If Ontario Northland did not run a bus to Timmins there would be no buses running to Timmins. If Ontario Northland did not go to Hearst, Opasatika and Latchford those people would not have a bus.

Mr Grandmaître: Granted, apparently you are providing good services, but I am talking about other lines where the private sector is servicing and yet you are trying to compete with these people.

Mr Dymont: We have operated Ontario Northland bus lines for many years. We started in the 1930s and we have operated in the north solely as a northern Ontario bus company. The northern Ontario population is not growing; it is very sparse and very spread out. The people in the north want to go to Toronto and beyond and we provide that connection. We wanted to better that connection so we picked up Gray Coach, which was providing a bus operation in Ontario, and provided a link from the south to the north.

We have not added to competition; we have simply picked up a line which was providing a link to the south. We are not adding buses and we are not adding competition, but we are providing a better connection for the people of the north and we are adding to the company, which you suggest is not doing well financially, by adding a good financial subsidy to it.

The Chair: Are you finished, Mr Grandmaître?

Mr Grandmaître: For the time being, yes.

The Chair: Mr Jackson, do you have a question?

Mr Jackson: I will yield to my colleague and then if there is time I would like to—

The Chair: We have all day.

Mr McLean: That is great. We will not talk about the agreement. What I would like to talk about is the interline agreement—you claim there was no agreement—between your organization and PMCL with regard to tickets being sold in Orillia, Barrie or that type of thing. You have no agreement where you would honour claims for their tickets.

Mr Dymont: We do not have a signed agreement with any bus company in Ontario for the interchange of tickets.

Mr McLean: Do you interchange your tickets with all bus lines?

Mr Dymont: No, we do not.

Mr McLean: Which ones do you not?

Mr Dymont: The ones that compete with us.

Mr McLean: Who are they?

Mr Dymont: I am afraid I do not have the list. It would be Greyhound in some locations. Obviously it was Gray Coach; it is not now.

Mr McLean: I thought the industry operated under an honour system for accepting interline tickets between carriers.

Mr Dymont: It is my understanding, and I cannot speak for the entire industry, that there are various grades of honour.

Mr McLean: There was an agreement drawn up by you for PMCL to sign in order to deal with the interline tickets at Barrie, and there was some figure in there of about \$12,000. Do you recall the agreement that was drawn up?

Mr Dymont: I think we are getting into this area where—

Mr McLean: I am not talking about the bus lines; I am talking about working within the framework of what you already have, and within that framework I want to talk about interline tickets. That has nothing to do with whether you purchased it or did not purchase it. I think this is within the mandate of all bus companies to deal with. I am asking you, what bus lines do you interchange tickets with and which ones do you not? I would think you would know.

Mr Dymont: We interchange passengers with Voyageur, Auger and Greyhound in North Bay, with Auger in Kirkland Lake, with Grey Goose and Greyhound in Hearst, with PMCL in Barrie and I would think with a multitude of companies in Toronto.

Mr McLean: Was it indicated to the staff in Barrie and Orillia that they were not to leave up any signs or advertisement by PMCL in order for them to compete?

Mr Dymont: No.

Mr McLean: No one was told not to interline, the staff in Orillia.

Mr Dymont: In Orillia?

Mr McLean: Yes. The city of Orillia at the train station there; that is where the terminal is. Were the staff there not told that they were not to promote PMCL?

Mr Dymont: I have no idea. Orillia is not our terminal.

Mr McLean: Whose terminal is it?

Mr Dymont: To the best of my knowledge, it is owned by the city. Perhaps it is private; I do not know. It is an agency, as far as we are concerned. We pay somebody a contract to operate our buses.

Mr McLean: I see. I will pass for now.

Mr Marchese: Mr Dymont, I want to speak briefly on the role of the ONTC. I want to say that I recognize the paradoxical nature of a crown corporation where, if you are losing money, you get attacked by different sectors of society that say you are running an operation where you constantly lose money, and if you are making money you get attacked by perhaps the same sources for either making money or competing with the private sector. It is a no-win situation, in many cases.

I really believe that when a crown corporation does well, runs efficiently and makes money, it is a good thing. If it provides a service to unserved areas or unserviceable areas by the private sector, it is a good thing to provide; otherwise people would be without the service. I want to say that I support the crown corporation being in the sector where it does make money. I make that as a statement, and I want you to comment on those two things. Do you see your role as continuing to provide a service to those areas or to those services that do not make money?

Mr Dymont: Yes, I do. I know that Ontario Northland was established in 1902 to provide the communicating links between the communities in the north and to provide a communicating link from the north to the balance of the world. The communicating links we used initially were a telephone company and a train. As other links between communities and from the north to the world were needed we added buses, boats, planes and trucks. We do not differentiate in our service between profitable and non-profitable sources. We pick up from all communities with our trains, buses, boats and planes.

We do, by our memorandum of understanding with the government, become a commercial organization. We are essentially a commercial organization. Our revenues have to exceed our expenses, and there are some areas, such as passenger trains, where we just cannot make revenues in excess of expenses and the government has said, "We will pay you under contract to run those services," and we do run some services under contract for the province.

But our bent is to be commercial and to make money, and there is a good reason for that: The gap between revenues and expenses, the so-called profit, is turned back into the north and becomes our capital expenditure. That is how we replace our plant, that is how we upgrade our plant, that is how we expand our services and that is how we help develop the north.

1040

In recent years we have gone back to an earlier concept and become a developer. We have built a building in Kirkland Lake, for instance, which has been devastated by fires and devastated by the loss of mines. There was just a total lack of confidence in Kirkland Lake, so we built a bus station and an office building which is being occupied. It showed confidence, and we are doing it on a commercial basis. We will get our return on investment.

We are trying to develop railway lands in downtown Timmins. We have built a badly needed motel and restaurant in Cochrane to service the tourist trade—not to lose money but to make money—but nobody else would come to Cochrane and do that. The Cadillac Fairviews of this

world do not want to build in Cochrane, so Ontario Northland is doing it. We are doing it with the gap between revenues and expenses, so our commercial bent is beneficial to the north.

Mr Marchese: Okay. On the point of the honour system that was raised by Mr McLean, could you just amplify an answer to the previous question, that in some cases you honour tickets from other carriers and in some cases you do not? It would seem to me that is a traditional practice that has been historical, and if we do not honour those tickets from other carriers, it presents a great deal of difficulty to a lot of passengers who go from one place to the other. Could you explain as clearly as you possibly can why it is that we would honour some and not others?

Mr Dymont: If we were running a bus from, let's say, North Bay to Kirkland Lake and the ABC Co is running a bus from North Bay to Kirkland Lake, and a passenger showed up at the terminal, the passenger has the option of travelling on our bus or their bus. We would expect if he or she bought a ticket for ABC's bus that he or she would get on ABC's bus and not ours. That is where we do not honour them.

Where we are the interconnector—for instance, we interconnect at North Bay with Voyageur, Auger and Greyhound. You may want to travel from Toronto to, let's say, Sudbury via North Bay. We would take you to North Bay with anybody's ticket and transfer you, because we do not travel to Sudbury, to whatever bus line your ticket represented. We would have no difficulty with doing that, so passengers are not in any way prejudiced at all. But we would expect, if you show up at our North Bay terminal and there are two buses leaving, that you would get on the bus for the company that provided you with the ticket.

Mr Marchese: But is this not an honour system that is similar to or parallels situations in other parts of the country? Is this not something that is practised?

Mr Dymont: Oh, absolutely. We just bought Gray Coach Lines and we bought its honour system.

Mr Marchese: Right. But you were explaining why it is that you do not need to honour certain tickets along similar lines when someone is offering the same service. But that practice of honouring tickets, whether or not there are similar routes that other carriers go to, is that not a practice that is happening or honoured across the country in general?

Mr Dymont: My only experience can be Ontario Northland since 1930; the honour system that has prevailed up there, which I am familiar with, is exactly as you have described. The only other honour system I can describe to you is that which prevailed in southern Ontario, and we bought that particular honour system from Gray Coach. So I would say whatever the industry is doing, we are doing.

Mr Marchese: Okay. I think Mr Waters has another question attached to this, but I have two other questions. The ONTC is planning to replace trains between Toronto and the north with state-of-the-art, all-electric coaches. We understand that as a result of that you will need less staff. The question many workers would ask there is, how could you minimize the layoffs, or are you planning to train a lot

of the workers who potentially could be laid off so that they can fit into other parts of the services that you provide?

Mr Dymont: As a result of this particular move we needed 13 or 14 fewer people on what we call our onboard service personnel; these are people who serve on the dining cars. Of those 13 or 14 people, there are three with less than a year's service who will be laid off. We have provided jobs for or are retraining the balance or are offering early retirement in every case. So the only people at risk are those three who have less than one year's service. I also have the assurance of the union that it is completely happy with the way we treated them.

Mr Marchese: That is good. How would you describe labour relations between the ONTC and the workers, just as a general question?

Mr Dymont: We have 19 unions. We have some 20 or 21 agreements, contracts. At the moment, for instance, we are negotiating a contract with the railway, which is the biggest part of our enterprise in terms of employees, and we are negotiating with some 700 railway employees. Those 700 railway employees have 12 unions. Six of them work in our shops and represent one third of the railway employees, and they are headed by the Canadian Auto Workers; I would say that negotiations are going terribly. Two thirds of them are represented by six unions and I would say negotiations are going exceedingly well. There is good-faith bargaining, there is frank discussion, there is a good interchange between us.

So I can only answer that by saying that negotiations are going on. Two thirds of our employees are represented by unions for which negotiations are going exceedingly well and one third are represented by the Canadian Auto Workers and they are not going well at all.

Mr Marchese: Because?

Mr Dymont: My view is that Canadian Auto Workers prefers to bypass the process of conciliation, for instance, and wants to get right to the strike point, whereas the other unions would like to make a deal with management to see them continue their employment.

Mr Marchese: Perhaps some other members might have questions directly related to them. Are you expecting any layoffs in the near future?

Mr Dymont: No, we are not. We had a major loss of product in early 1990 when our iron mines closed down and it was necessary to cut our staff by 120. We did it with only eight or nine layoffs. We did it with an early retirement scheme and by relocation of people, so our layoff record has been very good. If our product shipping stays where it is right now, I do not foresee layoffs.

Mr Marchese: Okay. Thank you.

Mr Brown: I would first like to express my appreciation for Mr Dymont and Mr Sinclair being here. Of course, being the critic for Northern Development for the official opposition, I am quite aware of its activities and I know most northerners are very appreciative of the ongoing efforts by the Ontario Northland Transportation Commission on our behalf. I know that my constituents in particular were very happy to be the beneficiaries of flights of norOntair

within the last year and a half—I cannot really recall the time frame, but it was not very long ago—and we certainly appreciate that service. So I am coming to this committee hoping that Ontario Northland recognizes how northerners feel about its service and understand that we as northerners appreciate very much what the commission is attempting to do.

I have some questions, however, and the first one relates to a letter that our research sent to Mr O'Connell on January 6. I suspect that time constraints have not provided Mr O'Connell an opportunity to respond to the letter yet, and I am just wondering if we could get a response now. This letter was sent by one of our policy analysts, Michael Brooks, and essentially what it asks is if norOntair Ltd is a separate entity under the direct control of the Ontario Northland Transportation Commission. I suspect that is obviously true.

1050

The second question is, "with respect to a schedule 2 agency, such as the Ontario Northland Transportation Commission, the terms of any business contract entered into by the commission with any private individual, operator or business are strictly confidential and/or personal information as defined and protected under the Ontario Freedom of Information and Protection of Privacy Act." Is that true? Are all the terms of contracts that the commission enters into private information subject to the Freedom of Information and Protection of Privacy Act?

Mr Dymont: Yes.

Mr Brown: So that no person associated with the commission can release the terms of a contract without the consent of the person with whom the contract has been entered into?

Mr Dymont: We have to abide by the terms of the legislation.

Mr Brown: Well, that is puzzling to me, because we have from the Northern Development estimates a release of some very specific information regarding contracts with companies. In a response to Mr Turnbull at estimates, we have a number of statements by the Minister of Northern Development, who, for example, when talking about Bearskin Air says Bearskin "representatives also signed a contract which said very clearly they would not run Bearskin planes against the norOntair planes in and out of Kenora. They have been doing that in direct violation of a contract they signed with us," meaning Ontario Northland, "for the last four years," which to me, in my humble opinion and our legal counsel's opinion, directly discloses the terms of a contract with a private sector company.

Miss Martel does this in a number of other instances in that Hansard and I am not going to read those for the record, but they are a matter of public record. We find here a minister of the crown disclosing some information. I wonder how you would deal with that. If one of your employees does that, how does that work? Do you have an officer responsible for freedom of information and privacy?

Mr Dymont: Yes, we do.

Mr Brown: So from all requests, he would have to vet those and determine whether they are within the terms of

the act before they could be released as private information on a contract?

Mr Dymont: Yes.

Mr Brown: If, in fact, he has a problem—or she. Is it Mr O'Connell?

Mr Dymont: It is Mr O'Connell.

Mr Brown: So if he has a problem with that act, what is the process? If he is not too certain, would he send it on to the Information and Privacy Commissioner?

Mr Dymont: No, he would handle it. We do not have problems with the act. We have handled a number of requests, as you will appreciate, and we make our interpretation of the act and operate accordingly. There is an appeal process for the people requesting information and then, of course, when they appeal, we get involved through the privacy commissioner. We follow the act, we interpret it ourselves, and if the requester feels that we are wrong, he has an appeal process.

Mr Brown: It seems to me, and I think to any member who will review the Hansard of the standing committee on estimates, that the minister has made direct statements regarding a contract. She has disclosed private information that I understand should not have been disclosed. I am not sure what is appropriate at this time, whether the committee should ask the freedom of information commissioner if he would look into this matter. We are very disturbed that we believe a breach of the act has occurred; our legal counsel believes it has occurred. I am just not too sure where to proceed, but I think if an employee had done the same thing, this would be a far different matter.

Mr Marchese: Mr Chairman, can you direct us in terms of the comments the speaker is making and how that relates to Miss Martel and this discussion?

The Chair: If Mr Brown had made a request, and I am not sure he is posing questions, I think it is certainly something that could be discussed during our deliberations on the report on Northland, but it seems to me that it goes outside of our mandate in respect to taking a look at the operations of the commission. It seems it is something that perhaps could more appropriately be raised in the Legislature, through estimates process or some other avenue, rather than in our deliberations here today.

Mrs MacKinnon: Thank you, Mr Chairman.

The Chair: Obviously, that agreement is not unanimous.

Mr Brown: Thank you, Mr Runciman.

Mr Sinclair: If I might intervene, Mr Chairman. If there is to be a quote of what has been said here, would you quote me? As I am the person responsible, through the commission, for the staff, I would not like the situation raised where a member of the commission is quoted without knowing that is the position of the commission too. I would prefer that any attention be directed at me.

The Chair: I am not sure that all members of the committee really appreciate your concern in this matter. Perhaps you can be a little more explicit.

Mr Sinclair: I just would not want something to come up in the Legislature where they are quoting a member of the staff and getting into a conflict with perhaps a statement of the minister. I would prefer that that quote be directed to me, and I concur with the comments that have been said. I feel that is my responsibility.

The Chair: Mr Brown will take that under consideration.

Mr Brown: Under your direction, I think the line of questioning is probably, you are saying, outside the mandate now. I will respect that, but I think we will probably take it up in camera later on.

The Chair: I have no problem with the line of questioning, simply that a motion or a resolution of this committee requesting the involvement of the privacy commissioner I think would be inappropriate—stemming from these discussions in any event.

Mr Grandmaitre: Mr Chair, is this not part of the operation of ONTC?

The Chair: As I heard Mr Brown, and I do not want to spend a lot of time with this, he was talking about some comments made by the minister and whether indeed they violated the act, and that is not what we are dealing with. We are dealing with a review of the operation of the commission and not the minister's actions, whether they were appropriate or inappropriate. I think another forum and another day is where those kinds of questions should be dealt with.

Mr Brown: What I was trying to discover here was an answer to the letter that we had posed to the commission and we had not received an answer, and I think I have got that. That was quite clearly stated by Mr Dymont and Mr Sinclair. I am perfectly happy with that. I think we now know what the status is under the act and I am not unhappy with that particular response. Obviously, I have some other lines of questioning but I am willing to allow the rotation to continue.

The Chair: Mr McLean, do you have anything more at this point?

Mr McLean: Yes, I have one question. With Dofasco ore mines closed, the ONTC had anticipated about \$13 million in revenues and that is lost now because of the shipment of coal to—is it Hamilton?—well, anyhow bringing coal south.

Mr Dymont: Iron ore.

Mr McLean: Iron ore. Mr Dymont, last year you admitted that the government's decision would cause financial difficulties for the commission. Could you elaborate on that?

Mr Dymont: I am sorry, which government decision?

Mr McLean: "Last summer, Peter Dymont, the ONTC general manager, admitted that the NDP government's decision would cause financial difficulties for the commission": Northern Ontario Business, June 1991. That is apparently a statement you made in that editorial. Could you elaborate on that?

Mr Dymment: Could you give me some other reference point?

Mr McLean: "The government's decision to prevent Toronto from shipping its solid waste to Kirkland Lake for storage has upset plans for the ONTC's northern railways division. In 1990, Dofasco closed its iron ore mines at Sherwood and Dane. Losing the contract for shipping Dofasco's coal south cost ONR \$30 million in lost revenues. The ONTC had anticipated that shipping the garbage would have a lucrative business for ONR." And I read you what the rest of it was.

1100

Mr Dymment: Yes, and I hope did not you put faith in the statement that says we are shipping coal south. There is no coal in northern Ontario. We have never shipped coal, so the balance of the statement is probably just as accurate. I think what they are referring to is—

Interjection.

Mr McLean: All I am going by is what the research has.

Mr Dymment: Well, they have got coal coming from Adams mine. They have not discovered coal yet in the north.

Mr Brown: We are looking hard, though.

Mr Dymment: We are looking hard, that is all. I would not put too much faith in that article.

Mr McLean: I am only reading what has been presented to me.

The other question I wanted to ask is, do you have a marine operation out of Lake Nipissing?

Mr Dymment: Yes.

Mr McLean: The Chief Commander lost \$161,000 last year. Right?

Mr Dymment: Yes.

Mr McLean: What are you doing to turn that around?

Mr Dymment: We are going to do something which is going to upset Nipissing. We are going to discontinue, with one exception, the passenger runs to the French River.

Mr McLean: Where does it run now?

Mr Dymment: It runs to the French River, which is a route it has taken since the 1940s, since it was put on the lake, or its predecessor was put on the lake. It carried tourists and cottagers down the French, and in recent years there just has not been the market for that. It also runs as a charter and tour boat on the lake, and also makes some runs into what we call Callander Bay, which are shorter runs. We will continue those runs.

Mr McLean: You will continue the charter, everything except the run down the French River?

Mr Dymment: That is right.

Mr McLean: How many miles does it go there now, down the French River?

Mr Dymment: Twenty-four miles.

Mr McLean: Twenty-four miles. The other enterprise that you have that is a moneymaker is the Hannah Bay goose hunting camp, which is located near Moosonee.

How do people get to that, do they fly in or do they go in by train?

Mr Dymment: There is no train to Hannah Bay, there are no tracks, no roads; it is strictly a fly-in camp. We fly people from Timmins to Hannah Bay. They get to Timmins their own way.

Mr McLean: What are they charged, by the group? Do you have people in there who run this camp? Is that fishing too, or is it just a goose hunting camp?

Mr Dymment: It is for fowl, geese and ducks, and it only operates in the fall. We put a manager in there and local natives are hired to operate the camp.

Mr McLean: How many lines has Greyhound in competition with you?

Mr Dymment: They are in competition between Toronto and Sudbury.

Mr McLean: Just Toronto and Sudbury?

Mr Dymment: Toronto to Sudbury.

Mr McLean: And North Bay, Kirkland Lake, Cochrane, Kapuskasing, that is all Ontario Northland?

Mr Dymment: All Ontario Northland.

Mr McLean: So Greyhound just goes as far as Sudbury, or do they go to the west?

Mr Dymment: They go west, but we do not. They are not in competition with us.

Mr McLean: I see, so the competition is between Toronto and Sudbury.

Mr Dymment: Toronto and Sudbury.

Mr McLean: Do they stop in Barrie and Orillia?

Mr Dymment: No. They go on Highway 400 and then Highway 69.

Mr McLean: So they are an express direct route, more or less?

Mr Sinclair: Well, as direct as that may be.

Mr McLean: I can ask you this question: Is the outstanding remittance to funds owing still outstanding with PMCL? You have never paid them for interline funds?

Mr Dymment: I hope we have not, but I am afraid I do not know what you are talking about.

Mr McLean: Well, this letter on December 9 to the Premier is from Henderson in Penetanguishene, and Mr Waters and myself had a copy of this letter. It was addressed to the Premier with regard to this young man who got his ticket in Midland and was going to North Bay, and then he wanted to go back the same weekend to Port Sydney. He had bought his ticket in Midland and when he took a taxi to get to Northland bus terminal in North Bay, the ticket was no good. This young lad bought his ticket in Midland for the complete trip he wanted. Due to the fact that you will not interchange tickets, this young lad luckily had \$20 in his pocket to buy another ticket, and this individual is a little upset that they could not interchange.

I think the stance that you are taking with regard to interchanging tickets is not acceptable to the people of the province who want to travel without worrying about buying

individual tickets. What comments do you have on a letter like that?

Mr Dymont: On a letter like that, I would comment that I wrote that person and sent them the refund, and the person sent the cheque back to me saying they were not owed any money, and I have it in writing.

Mr Bisson: Can you repeat that?

Mr Dymont: I wrote back and apologized for the inconvenience. I did not quite understand what the inconvenience was. I sent a cheque along with it, and the person wrote back to me saying he appreciated my concern but he was not owed any money, and returned my cheque.

Mr McLean: You must be talking about a different letter than the one I am talking about.

Mr Dymont: I am talking about the identical letter.

Mr McLean: Supplementary? I have another letter from a constituent with regard to the service being provided since Ontario Northland took over, and it has to do with a couple who left Pearson Airport and were five minutes late getting to Yorkdale. They got there at 7:45 pm and the bus had left five minutes earlier, and there was not another bus for five hours; they had to wait for five hours for the next bus to get to Orillia. What comments would you have on that type of service?

Mr Dymont: I would like to have the letter and be able to look into the situation and reply to whoever wrote it. I am unaware of it.

Mr McLean: Okay. Telecommunications is the one area in which you make money, and what you make on telecommunications pays for all the losses you have, mostly in the other operations. What changes are you going to make with regard to the connections with Bell Canada and these boundary points you have? Any?

Mr Dymont: We are not going to make any.

Mr McLean: Do you feel that profit margin will increase?

Mr Dymont: That profit margin will probably remain steady or decrease slightly.

Mr McLean: The rail freight, \$4.4 million net operating loss last year. What are you doing to change the picture on that, if anything?

Mr Dymont: We had a massive reduction of staff, and the results of that will only be seen in more recent months because of the payments we had to make. We do not want to reduce any other staff. We are actively trying to market the railway. We have been successful in marketing some of our skills. We realize that in the north there is not much more product to ship out. We have been shipping our raw resources for 90 years this year. We are a shipper of product, we are not a receiver of product. We only bring in what we can eat, and where.

We are trying to get into some businesses in which we are not, such as the lumber business. We are trying to become more competitive by picking up a CNR line that goes out to Calstock, Hearst and Mattice, where there are lumber markets and where the CNR is doing a pretty poor job.

We recognize that we have modern shops and have other skills to market. As a matter of fact, we were successful in obtaining a contract this past year to refurbish 22 Via coaches, so we are marketing our labour skills. It is those sorts of efforts that we are making. We do not want to reduce our staff. We feel a responsibility to keep jobs in the north. We also have a safety point, past which we do not want to go, in terms of the quality of our roadbed, so we are marketing the skills we have in the north and trying to do work in the north.

Mr McLean: Did you say you were going to purchase 24 Via coaches?

Mr Dymont: No, we have a contract to refurbish 22 of them.

Mr McLean: Twenty-two for Via?

Mr Dymont: Yes, for Via.

Mr McLean: Are you going to make a profit on that?

Mr Dymont: You bet.

Mr Sinclair: It will also save about 23 jobs.

Mr McLean: The other question I have is with regard to the rail services. Yesterday in the standing committee on social development there were presentations made by CN and CP with regard to hauling waste to the Adams mine, and I watched with interest the presentations they made. Have you people made any inquiries of the Ministry of Northern Development and Mines if it would want to participate in that type of freight?

Mr Dymont: It is our understanding that the government is our sole shareholder, and it is our understanding that the province does not want to get into the waste-shipment business.

Mr McLean: It is your understanding that they do not want to, but have you been making any waves, so to speak, to say: "Look, if it's going to happen, we want to be part of it. If there is money to be made for Ontario Northland, we want to be part of it"?

1110

Mr Dymont: If the waste is shipped north to the Adams mine, as you are suggesting, then there is only one railway from North Bay to the Adams mine.

Mr McLean: And that is the ONTC.

Mr Dymont: That is right.

Mr McLean: Then with the presentation they were making yesterday—are they going to have to run on your lines or buy service from you in order to do it? Do they do it now?

Mr Dymont: No, they bring their product to North Bay and then we haul it to its destination, or vice versa: We haul it from the originating point to North Bay and turn it over to CN or CP.

Mr McLean: You could haul it directly from Toronto on the line you have, could you not?

Mr Dymont: We do not have a line from Toronto.

Mr McLean: Does the Northlander not run to Toronto?

Mr Dymont: It runs on CNR tracks, at a rental rate.

Mr McLean: That is the question I want to get at. You pay them a rate to use their tracks.

Mr Dymont: Yes.

Mr McLean: Is your passenger service the one that used to hit Orillia at about 1 o'clock in the morning?

Mr Dymont: No, that was a Via Rail train.

Mr McLean: Yours goes down the other side of the lake, I presume.

Mr Dymont: It does now.

Mr Hayes: I would like further clarification on the mandate of the commission. There is talk about operating outside northern Ontario into centres in southern Ontario. The question raised to us by several people is, is your mandate only supposed to provide service within northern Ontario and, if so, why are we going outside that area?

Mr Dymont: Operating transportation or telecommunication services within any defined geographic part of the country necessitates your making a connection to the balance of the country. You cannot operate in isolation. People want to travel, for instance, from Timmins to Toronto and from Timmins to North Bay. We have to get those people to Toronto, because that is where they want to go, so we have to make this incursion into the southern part of the province to make that connection. The phone calls we make are to Greece, California, New York, Edmonton and Kirkland Lake. We have to provide that ability to connect with the world. To make that connection with the world, somewhere we have to meet the balance of the world. That somewhere we are using right now is Toronto. We are not going beyond Toronto.

The people in the north—in the bus business to which you referred—also want to go to Florida and to the Yukon. They want to travel in the wintertime. The only bus company in Cochrane, for instance, is us. We give them that opportunity. We also have to make that bus company profitable. Bus companies do that by providing charters and tours. If the people in North Bay want to see the Blue Jays, we will take them to see the Blue Jays and subsidize our regular passenger runs. We are not going to start offering charters from London, Chatham or Belleville, because that does not come within this geographic territory we are providing service for.

Mr Hayes: So all or most of your charters would come out of the north; they would originate from there.

Mr Dymont: We picked up the Gray Coach Lines licence which gave us the North Bay-Toronto geography, but we have agreed not to run charters out of Toronto except back into the north.

Mr Hayes: Have you done any restructuring due to the recession? Have there been any jobs affected or lost as a result of the recession? What are your plans?

Mr Dymont: If I compare us to the 1988 level, we are down about 200 jobs. That is on a base of 1,500.

Mr Hayes: The next question is on the air service. Why did Northland not proceed with its plans to provide the Dash-8 service between Ottawa and Winnipeg and through to the major centres of northern Ontario?

Mr Dymont: Two carriers objected to us flying that route from Winnipeg to Ottawa. The two carriers said that between them they were going to lay off some 75 to 90 people, depending on which figures you use, as a result of this particular competition. We were going to run this service with something like 30 people, which says something for government agencies, when we can do what the other sector requires twice as many people for. None the less, with that massive layoff, the government in its wisdom said if these other carriers would provide the service we had anticipated providing and would do it without laying off 75 people, the employment impact on the north would be beneficial, so we backed off.

Mr Marchese: Could I ask a question on this?

The Chair: I will allow a quick supplementary.

Mr Marchese: How do you explain the other provider of this service saying, "We're going to lose 75 jobs if the competition goes through in this way," and your saying, "We would provide 30 jobs in providing the service"? In your assessment would there have been 75 jobs lost, or is that something a private sector puts out as an argument, as a threat really, saying, "We're going to lose 75 jobs"? Then of course we simply back away, because in the number scheme there are more losses than gains. Did you assess whether there really would be 75 jobs lost? Is that your job or the ministry's job?

Mr Dymont: We provided advice to the minister. It is my assessment that the 75 jobs comprised some which would have been lost, were legitimate; for those legitimate jobs, we were prepared to hire the people. I think it provided some that were a threat and in the 75 were some jobs that would have been laid off anyway.

Mr Hayes: The people who were laid off—I am not dealing with that one; I am just talking about Northland itself—did you make any settlements with those employees, or have you provided or do you plan on providing any retraining to the people who have lost their jobs?

Mr Dymont: Definitely. We initially provided a fairly attractive early retirement package. About 110 took advantage of that. Since then, we also have in place with our unions an employment security plan which provides for a laid-off employee to receive a portion of his or her salary for a period of time depending on the number of years of service. As a rule of thumb generally in the railway, for instance, if you have seven years of service and you are laid off, you will receive 70% to 80% of your wages while you are laid off. You must come back to Ontario Northland when we have a job for you in any location or in any field.

We provide the retraining. We try to avoid the implementation of the employment security plan, though. We negotiate with the unions individually to try to relocate people and retrain people. For instance, someone mentioned earlier us laying off people on the train as a result of implementing a snack car. We took some employees and put them in other departments. We transferred four to our clerical ranks, for instance. There were four on-board service staff who seemed to have some clerical abilities so we put them into the clerical group. We have taken one lady and are teaching her to be an instructor, so she is going to

go out and instruct people on how to deal with the public, become a customer service representative. These sorts of things we try to do. We have been fairly successful in that people in Ontario Northland have not ended up to any great extent being laid off.

Mr Hayes: How important is the Ontario Northland Transportation Commission, even talking about the Polar Bear Express, for example, to the economic development in Moosonee?

Mr Dymont: My view is that it is extremely important. We try to take 20,000 people a year to Moosonee and Moose Factory. It really is, other than transportation, the only source of income for the residents of the area. It provides them with a group of people who want their services. They want to travel in canoes. They want to see their villages. They want to talk to these people. If we did not bring them up there, the motels in Cochrane would fold; the people in Moose Factory probably would not have an outlet for their water taxis at all; they would lose their market for crafts. I think it is extremely important. Whenever we try to monkey with the schedule, we get such a reaction from the communities up there that we know it is important to them.

1120

Mr Hayes: I am familiar with the Polar Bear Express because I have actually ridden on it. What is the Little Bear Express service? How does that come into the picture?

Mr Dymont: The Polar Bear excursion runs two months of the year, six days a week. The Polar Bear runs from Cochrane to Moosonee in the morning and back in the evening; it runs up and back the same day. It is called the Polar Bear because I think somebody 30 years ago actually saw a polar bear. That is the only one that has been sighted.

The Little Bear, on the other hand, runs year-round; it runs 12 months of the year. It runs up Monday, Wednesday and Friday, and back Tuesday, Thursday and Saturday to Moosonee. It is a mixed freight-passenger train, which provides the freight and passenger link to Cochrane, not only for Moosonee but for all the communities in between. It has 186 miles of track. The Little Bear is famous for stopping whenever you wave your hand. We service the residents between Cochrane and Moosonee, as well as between Moosonee and Moose Factory.

Mr Marchese: So there are little bears.

Mr Dymont: There are lots of little bears.

Mr Brown: I want to return to Star Transfer for a little bit of information. Does Star Transfer operate south of North Bay? Does it run from Toronto to the north, or does it interline with somebody?

Mr Dymont: We actually have two ways of getting south to North Bay. One is we have an interliner arrangement with Kingsway Transports Ltd. The second is we have a contract with Cathcart Transports. Cathcart is a transport company operating in the south. They actually provide brokerage business for us. They pick up and deliver business for us in Toronto, assist us in marketing our product and help us run broker operations from North Bay to

Toronto. Essentially, Star Transfer does not run south. We use the arrangement with Cathcart or Kingsway to make that link for us. We sold our assets in Toronto eight or nine years ago.

Mr Brown: Is Star Transfer involved primarily in less-than-truckload freight or truckload freight?

Mr Dymont: It is mostly LTL. We do have some truckload. We are trying to get into more truckload, but primarily it is LTL. Northbound, it is LTL almost totally. We take truckload—we will take paper, for instance, from Iroquois Falls south, to run the truck.

Mr Brown: Back in the days when we were discussing deregulation of transportation, the government's argument at the time, which I was not totally convinced of, was that there was no need in northern Ontario to provide trucking services on the basis that Star does. The argument went that free enterprise, if allowed to flourish in the area, would find new and innovative ways of servicing northern Ontario, etc. At the time, I found it very difficult to rationalize that public policy view with the maintenance of Star Transfer. We had a government initiative that essentially said entrepreneurship should flourish and that even the smallest communities would be able to maintain their services perhaps locally instead of with a larger corporation. Yet we see that following that deregulatory initiative Star continues to lose money and actually is increasing its losses. Some might argue that what Star is essentially doing is subsidizing Cathcart and Kingsway, if you are a carrier in competition to them in that north-south route. Do you have any comments on those ramblings?

Mr Dymont: Subsequent to the period of deregulation that you talked about, or the start of deregulation, companies going into the north folded in pretty quick order. Dominion Consolidated—

Mr Brown: To be fair, that has happened everywhere in the province, though.

Mr Dymont: I know. But in the north when you have people like Dominion Consolidated and Brazeau Transport folding and you only have perhaps three or four carriers to begin with, it makes a tremendous impact. You do not have many transport companies you can call to haul your product. When two out of the five fold, you are not left with many in the north. The decision to operate as a partner with Kingsway to me was a sound one in that Ontario Northland and Star Transfer could not provide the vacuum cleaner you need in the Toronto area to pick up parcels for Timmins and Kirkland Lake.

You have to do an awful lot of picking up and delivering in Toronto to single out communities like Kirkland Lake, Kapuskasing, Hearst and New Liskeard, and Star just could not do it given the small territory it served. We needed to make a connection with somebody like a Kingsway who already had a pickup and delivery service. We also had a terminal which was worth something like \$1.4 million and you just could not justify that.

Mr Brown: I am still puzzled, however. I do not have a problem with this if our losses are not increasing; if we were competing with this trucking company on an equal footing without subsidization I could understand this. But I

am having some difficulty understanding the problem. In some respects Star will be keeping the independent trucker, the fellow who may have a small operation, from getting into this business, because it is there and keeping some entrepreneurship out of the local economy.

I know in my area, while it is true there have been fewer and fewer large companies, there are getting to be more and more small firms doing things that make sense to them. That encourages small business because hopefully competition is greater, rates get better and what not as people find ways of providing services at more efficient rates.

Mr Dymment: My main response to that would be that we are attempting to bring Star closer to the break-even level. We have put into effect some measures which will improve its net by \$1 million annually. Those measures are in effect now.

Mr Brown: You have a plan, then, to bring Star at least to break-even?

Mr Dymment: Yes. That plan is now in effect.

Mr Brown: What is your time frame for that?

Mr Dymment: Twelve months. Within a year we plan to improve its net position by \$1 million.

Mr Brown: That sounds encouraging and I am sure the committee will be watching that closely. Mr Chair?

The Chair: Would you like to go out and greet your new leader who just arrived?

Mr Brown: That would not be a bad idea. Some of us have to work, though, Mr Runciman. I would yield the floor if other members have questions, but I do have more.

The Chair: We will come back to you if you want to slip out for a little while now.

Mr McLean: I would be interested in knowing what your legal fees cost you in a year for your organization. Any idea?

Mr Dymment: We have two lawyers on staff and from time to time we hire outside people depending on the nature of the business. Our average outside legal bill in a year would be about \$200,000. That is the average.

1130

Mr McLean: You are preparing an action plan for Moose Factory. What is that action?

Mr Dymment: Moose Factory is the reason people go to Moosonee. You do not want to see Moosonee. There is nothing to see in Moosonee. Moosonee is a young community; it was really established when the railway hit there in 1932. But Moose Factory, and not many in Ontario know this, is the oldest settled community in Ontario. It beats Kingston. I usually get a reaction when I say that, but it is the oldest settled community in Ontario.

There is a lot to see and it is deteriorating badly. Our action plan would see the restoration of what history there is: a church, a graveyard, an old Hudson Bay structure. It would see the rebuilding of a fort and the building of a native community, all with a view to letting the natives operate it. That is what the action plan is.

Mr McLean: I would like to go back to the meeting yesterday in social development with regard to the two railways' presentations to the committee about moving solid waste to the north. Have you had discussions with the government or with the principals in the ministry with regard to solid waste transportation?

Mr Dymment: Not recently.

Mr McLean: You have had discussion with them?

Mr Dymment: Earlier, yes.

Mr McLean: In your annual report you indicate: "Ontario Northland submitted an expression of interest for the movement of recycling and landfill of solid waste from the GTA and Metro. The movement of solid waste by rail from Toronto to northern Ontario is seen as an opportunity for Ontario Northland and northern Ontario." When was the last discussion that you had with regard to that?

Mr Dymment: If you will allow me to guess, about June or July of last year.

Mr McLean: Are you pursuing it any further?

Mr Dymment: No we are not.

Mr McLean: The expansion you are having in Kirkland Lake includes a new bus terminal. What would the cost of that bus terminal be?

Mr Dymment: It is difficult to say because it is part of an office structure and the bus terminal occupies about one half of a bottom floor. The entire structure is about a \$4-million structure. The bus terminal is kind of, "While we're building an office, let's put a new bus terminal in."

Mr McLean: Will that come under your non-commercial or your commercial?

Mr Dymment: That will definitely come under commercial.

Mr McLean: What about the bus terminal being built in Barrie? What is the cost of that going to be?

Mr Dymment: I have no idea.

Mr McLean: Does anybody?

Mr Dymment: I would say the city does. They are building it.

Mr McLean: The city is building it and you are going to lease it from the city?

Mr Dymment: Yes. We will lease part of it from the city.

Mr McLean: I see. Where will your tour operation be going in?

Mr Dymment: In that same building.

Mr McLean: You indicated that your tour operations out of Toronto would be to the north only.

Mr Dymment: To the north only.

Mr McLean: And the ones out of Barrie?

Mr Dymment: Anywhere. Regular charter or tour.

Mr McLean: Why would the ones out of Toronto only be to the north when you have Barrie, which can go to the south or anywhere?

Mr Dymment: The principle was that by going into Toronto we would be increasing the number of charter and

tour operators in the province because we bought an operation from Gray Coach. Gray Coach was not willing to give up the charter and tour business out of Toronto so we would become an additional operator. That is not true in Barrie. We replaced Gray Coach, so the number of tour operators in Barrie remained the same as it was before.

Mr McLean: You are saying that Gray Coach operated tours out of Barrie?

Mr Dymont: They had full licensing out of Barrie.

Mr McLean: But did they operate tours out of Barrie?

Mr Dymont: I have no idea.

Mr McLean: But Ontario Northland is going to operate tours out of Barrie.

Mr Dymont: Yes.

Mr McLean: The interchanging of tickets: You said you are pleased that you have not paid what you have been billed for. Did you cash the cheques that PMCL paid you for using their interchange?

Mr Dymont: I am afraid I do not know what you are talking about. They are in our terminal and they have to pay rent and we would cash those rent cheques.

Mr McLean: I am not talking about rent cheques. I am talking about interchanging of tickets they sent you the money for. Did you cash the cheque?

Mr Dymont: I would be unfamiliar with what those tickets would be for and I would have no idea what the cheque would cover.

Mr Marchese: He always says that.

Mr McLean: That is right.

The other area I wanted to talk about here has to do with the meetings you have with the Ministry of Northern Development and Mines; the chairman of the commission meeting with the deputy minister or ministers. Has that taken place, and when was the last meeting you had with the minister?

Mr Sinclair: We had a meeting in December. The meeting before that was in the fall. We had one in July. We had one at the end of May.

Mr McLean: Was the one in December after you got the directive from the minister to continue allowing PMCL to use the terminal until such time as an agreement was made? Was that meeting late December or early December?

Mr Dymont: I am not sure. The meeting was in December, and I would suggest to you that the dealings with PMCL were not on the agenda. December 16 was the date.

Mr McLean: December 16 was the date of the meeting.

Mr Sinclair: The minister was not at that meeting, Mr McLean.

Mr McLean: Okay. Is the Cree native band in Moosonee doing some consulting work for you with regard to you looking at hotel facilities in Moosonee? Is there a strategy planned there for the private sector to be involved, private sector funding for the hotel?

Mr Dymont: First, there is no Cree native band in Moosonee.

Mr Bisson: There is no what?

Mr Dymont: There is no Cree native band in Moosonee.

Mr Bisson: There are no Cree in Moosonee?

Mr Dymont: There is no Cree native band. There are two bands in Moose Factory but there are none in Moosonee. Moosonee is a creation of the legislation of Ontario. It is a Moosonee development area board. It is not a native or a band community.

Mr McLean: Your annual report indicates Moosonee. "Ontario Northland, in cooperation with the Cree native band, has engaged a consultant to prepare a plan for development of hotel facilities in Moosonee and Waskaganish. Part of the plan is to outline a strategy for attracting private sector funding for this development."

Mr Dymont: That Cree native band is a band located in Waskaganish. Waskaganish is a community on the east coast of James Bay, formerly called Rupert House. That band wants to do a joint venture with Ontario Northland to build a hotel in Moosonee. A hotel is badly needed in Moosonee. The current operators are not doing a good job and the Moosonee development area board, which is the local council, has petitioned us to build this hotel because they know we are doing development in other communities. The band wants a joint venture to the extent of 50% with us, but that is the band in Waskaganish.

Mr McLean: In the opportunities you are looking at, you say, "Ontario Northland is actively pursuing industrial and tourism developments which can create new revenue opportunities for ONTC's operating divisions. For example, Ontario Northland Development's solid waste disposal opportunity forecasted for 1993 is expected to generate significant revenues and profits for rail services." I am referring to page 75 of the annual report. You indicated that you were not pursuing that solid waste aspect of it.

Mr Dymont: Right.

Mr McLean: Yet in your report you said, for new revenues, that is where you are going to get a lot of it.

Mr Dymont: Right.

Mr McLean: What are you saying now?

Mr Dymont: I am saying we are not.

Mr McLean: When was this report done?

Mr Dymont: March 1991.

Mr McLean: Okay. A lot of changes have taken place since then.

What are you doing in the north with regard to expansion of tourism, other facilities you may be looking to establish? You have your bus routes, you have your ferries, your boats, your tourism aspect. What else are you doing with regard to expansion of tourism?

Mr Dymont: We have become very active. We are becoming the catalyst in the north for pulling together all the tourism ventures and tourism associations to try and market the north, or northeastern Ontario, as a geographic bloc. We feel that in the past efforts have been made to promote elements of Manitoulin Island, elements of Moosonee, elements of gold mining communities, but nobody has promoted

northeastern Ontario, and that is what we are doing. There are probably some members here who will attest to the fact that we are doing a pretty fair job of it. Over the last two years, while tourism in Ontario has declined, in Manitoulin Island, for instance, it remained static. In Moosonee it was only down 3%, on Lake Nipissing it was only down 13%, on Manitoulin Island it was zero, whereas other parts of Ontario are seeing 20% or 25% declines.

We are putting together a video production which will promote and advertise the entire north; we have put out brochures; we have put out Sunday supplements in the Toronto Star, something like 800,000 copies of a "Be My Guest in Northern Ontario" campaign. So I think we have done a lot.

1140

Mr McLean: Would your bus service run a charter bus from Toronto to Tobermory for Chi-Cheemaun?

Mr Dymont: No, it would not.

Mr McLean: That is not classified as north.

Mr Dymont: Not by Ontario Highway Transport Board definition it is not. It has to be north of Highway 17.

Mr McLean: They do have a definition of what northern Ontario is?

Mr Dymont: Yes.

Mr McLean: Was that not in the mandate of the Ontario Northland Transportation Commission, to service the north?

Mr Dymont: We have to abide by our authority and our licence.

Mr McLean: I am trying to find in here—I read somewhere about the initiatives you were trying to take with regard to some overseas markets. Am I wrong?

Mr Dymont: You are wrong. We are trying to market northern Ontario in Germany and in the Orient.

Mr McLean: "The World Bank, the African Development Bank and by actively seeking opportunities through Ontario organizations such as the Ontario Ministry of Industry, Trade and Technology and Ontario International Corp." Are you dealing with them for overseas markets?

Mr Dymont: No, we are trying to sell our expertise. Ontario Northland is a railway and a telephone company, a truck line, a bus line and a boat line and we are much smaller than CN and CP. Canadian consultants are going over to Africa, for instance, to try to sell consulting services to countries that are about the size of Ontario Northland rather than the size of Canada. So there is a niche, a very good niche, for Ontario Northland to sell our human resource skills. We have an awful lot of them. That is what that is.

Mr McLean: A final question: What are you building in Timmins? Is that a new terminal, or what are you doing in Timmins?

Mr Dymont: In Timmins we have freed the downtown railway lands. They are now undergoing environmental correction and we are open for development.

Mr McLean: Are you selling off the railway lands to industry or for shopping malls or for subsidized housing? What are you selling them off for?

Mr Dymont: We have not sold any yet. About half of them have been optioned by the city for its purposes and the other half is open for good suggestions.

Mr McLean: Your interest income ranges from about \$3.3 million in 1990 to a borrowing position of \$1 million in 1992, and you are "expecting your interest income to improve due to an inflow of cash from a solid waste development opportunity." That will not happen now, will it?

Mr Dymont: That will not happen, no.

Mr McLean: What do you expect your interest income will be, then, for 1992?

Mr Dymont: It will probably be a cost.

Mr McLean: And an interpretation of "cost" would be?

Mr Dymont: Debt, expense, money you owe.

Mr McLean: You cannot already add to that. I am a farmer. I will pass for now.

Mr Frankford: The telecommunications is really a very significant part of your revenue?

Mr Dymont: Yes, it is.

Mr Frankford: On page 71 we have your operating plan and the operating profits and the projections. I guess it is really dependent on a steady increase in operating revenues. Is that something that is taking place or are you having to correct that?

Mr Dymont: That is something that is traditional. If I go back 30 to 35 years, I will find that there has been an increase in every year. The operating revenues have never decreased. That is the rate we are predicting and it is simply because of the long-distance business. The long-distance business has been ever-increasing and despite lowering of rates the elasticity of the market is such that you keep getting more business.

Mr Frankford: Okay. Could you talk about other approaches that are being taken to increase services and revenue for telecommunications?

Mr Dymont: We have done an awful lot. We try to keep pace with the industry. We were the first telephone company in Ontario—I know Bell does not like this to be said—that would allow our customers to dial zero and then the digits and be able to make collect calls or pay phone calls that way. We are the first company in Ontario that was fully made what they call zero-plus. We have been keeping contemporary in terms of our regular long-distance services and we sell a whole gamut of TV services, computer-connected links and all these other things in our telecommunications business.

Mr Frankford: What TV services?

Mr Dymont: If you want to buy a TV channel up to Timmins to broadcast a rally we will sell you a TV channel.

Mr Frankford: As a link.

Mr Dymont: Yes, for a TV program.

Mr Frankford: Presumably this is a capital-intensive industry where there are all sorts of innovations going on. Is that predictable here or are you going to be faced with significantly increased capital costs?

Mr Dymont: No, the capital predictions are already included in those amounts.

Mr Frankford: Do you have cellular service there?

Mr Dymont: No, we do not. We are predicting to start north of North Bay in two years; we are going to work it north. The market is so sparse up there that you can travel from North Bay to New Liskeard, and in New Liskeard you will find 12,000 people, but between North Bay and New Liskeard, and that is about 100 miles, you will find two small communities and that is it. That is very expensive to service.

Mr Frankford: That will require capital investment.

Mr Dymont: Yes, it will, which has been predicted.

Mr Frankford: Are you going to have cellular service on your trains?

Mr Dymont: As a matter of fact, we are.

Mr Bisson: Can you go through the mandate of the ONTC? What basically is the mandate of the ONTC?

Mr Dymont: We are an agency of the crown, wholly owned by the crown, and we are to service the north for transportation and telecommunications needs and to link the north with the rest of the world.

Mr Bisson: Let me keep on going, then. Basically the service the ONTC provides is service to northerners, some of which we would not get if strictly dependent on the private sector, due to the sparse population, the large geography, etc. Basically what I am getting at is that the whole situation with the ONTC is that on some of your business you make some money; on some of it you lose. Can you just elaborate on that a little bit?

Mr Dymont: The farther north you go, the less lucrative becomes your operation as a business. At some point it will flip and become a loss. We have to depend on our large population centres. To us a large population centre is Timmins, with 50,000 people; to us that is huge. That is the kind of population we are talking about. We have to depend on the Timminses to support the Latchfords, but our revenue has to exceed our expense so that we can regenerate our plant, so that we can capitalize and so that we can upgrade and develop.

Mr Bisson: One of the situations the ONTC finds itself in from time to time is the whole question of competing with the private sector. Playing the devil's advocate on that, what do you have to say to somebody who says you as a crown corporation should not be in direct competition with somebody in the private sector?

Mr Dymont: If the private sector was going to provide the gamut of service that Ontario Northland provides, then there could be an argument. But if somebody says for instance that we should not be running buses from Barrie to Toronto, when that bus route is making sure that we can run a bus from Cochrane to Hearst, then I would say run the bus from Cochrane to Hearst too. That is the whole

nature of Ontario Northland. We are running two buses a day from Cochrane to Hearst and we are doing it because we have some larger cross-sections which help pay for it.

Mr Bisson: Basically then, on those runs where the ridership is not high enough, where you lose money, obviously you are trying to offset the money in other centres such as Timmins or wherever you can get more ridership to subsidize it. Speaking of Timmins, a place that interests me quite a bit, actually—I live there—there are a couple of issues I would like to get into. One of the issues is something that happened I guess about four or five years ago, maybe not even all that long ago, the whole question of what happened to the rail service in Timmins. Maybe you can walk us through that. As you know, passenger service in Timmins is no longer existent. Being that Timmins is the largest community in northeastern Ontario that you service, can you explain the rationale why the passenger rail service was taken out of Timmins?

1150

Mr Dymont: Really we took the rail service out of Timmins, and passenger went with it. Our decision was premeditated by freight, not passenger. We used to have a freight line which ran from North Bay up to Porquis and then into Timmins and it terminated at Timmins. It did not go any farther than Timmins; it terminated in downtown Timmins. The amount of freight going into Timmins was something like three boxcars a month and the amount of freight coming out of Timmins was something like five boxcars a month. That does not justify running a railway. We also had a passenger train. South of Timmins but still within the city of Timmins were a mine and a smelter and a refinery.

Mr Bisson: There is a mine; do not say "was," okay?

Mr Dymont: A Freudian slip. There is a mine, and a good customer of Ontario Northland. They shipped a lot of product in and a lot of product out. It seemed to make sense to terminate the railway at that point because it was not being used beyond it. We were able to accomplish many things. First of all we cut out about 10 miles of track, or nine miles of track which was not being used. That nine miles of track—and you will have to forgive me about 10%—had something like 18 or 20 level crossings and we would get three or four people a year at those level crossings. We had a couple of scares, for instance a gasoline spill and a propane incident, because of spurs in that nine or 10 miles of track. We had a lot of land that was right in downtown Timmins that people wanted to use.

The decision was that you had a piece of track which did not have any traffic on it. You could terminate it where the traffic terminated and still be within the city of Timmins, and that is what we did. We pulled up the tracks and freed up the land. We are now cleaning it environmentally. Crossing accidents of course are gone. There are no more propane or gasoline spills associated with the railway. We do not think we are to blame in any event, but none the less they are gone and this land is available for development. That was the decision. In that decision, the passenger train could no longer go to Timmins.

Mr Bisson: I guess what I am saying, and I think it is what a lot of people in my community are saying, is that if Timmins is the major market for Ontario Northland when it comes to passenger rail service or bus service or whatever service you are offering, to not have that train come to a community like Timmins, I really have to wonder. I realize people can get on a bus in Timmins and they can go to Porquis Junction and take the train from Porquis Junction down to Toronto. But today what has happened through deregulation in our airline industry is that we have lost jet service in northern Ontario. There is not a community in the north that is now served by jets. The flying time to get into Toronto obviously is a little bit longer. The congestion at Lester B. Pearson International Airport is also adding to that time. I know last winter, for example, I could actually drive to Timmins more quickly than it took me to get from my downtown office in Toronto to my downtown office in Timmins when you look at all the congestion you had at Pearson and trying to get out and being de-iced and the rest of it.

All I am saying is, was there ever an attempt on the part of Ontario Northland to really look at finding a way, if at all possible, to market either a night train or some kind of rail service from places such as Timmins and picking up people along the way into Toronto in order to serve that need? One of the problems we have now is that a lot of our seniors and people who do not want to get on planes for various reasons have no other way to get down to Toronto than by bus. It is not a lot of fun to sit on a bus for eight or nine hours to get into Toronto; actually, it is about 10 hours.

Mr Dyment: We run a bus from Timmins to connect to the train.

Mr Bisson: In Porquis Junction.

Mr Dyment: Yes.

Mr Bisson: I get lots of letters about that.

Mr Dyment: People in Timmins can get on the train in 30 or 35 minutes.

Mr Bisson: Would it not be feasible to have that train come as far as where the Texas Gulf loading area is?

Mr Dyment: If we did that then we could not run to Cochrane.

Mr Bisson: Why could you not run to Cochrane?

Mr Dyment: The train tracks go in different directions.

Mr Bisson: No, well, it connects in Porquis Junction.

Mr Dyment: Yes.

Mr Bisson: The train originates in Cochrane. It used to originate in Timmins; you used to pick up passengers there. Is there not a system that you built in order to pick up passengers in Timmins?

Mr Dyment: On the train?

Mr Bisson: On the existing lines, yes, because they are connected.

Mr Dyment: There only is one train. It goes north to Porquis and it either has to go left or right.

Mr Bisson: But at one time you used to back up and come into Timmins.

Mr Dyment: But it did not go to Cochrane.

Mr Bisson: The point I am trying to make is that within my own community there are a lot of people who would like to be able to take the train—that is the bottom line—because of the inconvenience of the bus and the rest of it.

Mr Dyment: You are right. We could go to Timmins, but I think the major point is that we could not then go to Cochrane. When we did go to Timmins the Cochrane people came down by bus. We can do it either way.

Mr Bisson: There are 50,000 people in Timmins and about 7,000 in Cochrane. Anyway, I will deal with that one later.

The other thing is on the question of the development of the the ONTC lands in the downtown core. Where are things at this point? I know there is some discussion about some private sector development on that. There was an issue of somebody trying to develop a hotel. Where are those things at this point?

Mr Dyment: Half the land has been optioned now to the city. It has until 1993 to exercise that option. That is the western piece of the property. The other property we are just holding in abeyance, waiting for some commercial development to come up. We are going to environmentally clean the land and hold it there, waiting for the right time and opportunity.

Mr Bisson: So you are not actively out there looking for a buyer. I mean, it is there for sale and if somebody comes along, fine. Is that what you are telling me?

Mr Dyment: If somebody came along and provided an opportunity that would be good for Timmins and good for us, yes, but I do not think we would sell it for a parking lot.

Mr Bisson: No, I do not think that. But you are not at this point actively engaged in any discussions with any private sector people in regard to developing?

Mr Dyment: We are not, no.

Mr Bisson: The other question is on tourism. I recognize that one of the major roles Ontario Northland plays is, quite frankly, what you were saying about tourism, that the Ontario Northland has been a good for developing tourism markets in northern Ontario. You have touched on a number of them, from the Polar Bear Express to the goose camps to the excursion trips set up by Ontario Northland. You alluded a little while ago to the whole effort on the part of Ontario Northland to get people in southern Ontario, and also in the European market, to understand northern Ontario a little more and try to get people to travel up there.

At that point you market, but what is Ontario Northland actually looking at doing when it does get people up there? Are you planning on expanding services? Are you looking at tour trains? There was some discussion about that at one time.

Mr Dyment: We are looking at trying to tie together the existing attractions, structures and networks rather than creating new ones. We are trying to pull the private sector—we are having success; the private sector is dealing quite

nically with us. We are trying to pull everybody together, because we think there is enough in the north, if it is properly packaged. Now, there has to be some packaging done, but I do not think we at Ontario Northland have to do much, other than in the Moosonee and Moose Factory area, where we have to do a lot.

For instance, in Timmins you have the mine tours. We think we can put the mine tours in the package, and the Timmins people who operate the mine tours can do quite a nice job without Ontario Northland interfering with them. The same is true of the pulp and paper tour of the park at Earlton. All we have to do is make sure the package is good, the packaging is good, the cosmetics are good, and let the operators operate it. There are some things, like the Polar Bear excursion, where we have to become totally involved. We think ours is a question of marketing the entire thing and only playing the operating role where there is a lack.

Mr Bisson: I know there was some discussion, and I do not know how far this went—I cannot remember the fellow's name, but you have a fellow who is developing this actual strategy right now.

Mr Dymont: Yes.

Mr Bisson: It seems to me I was at a public meeting he was at and there was some discussion about developing and marketing in the long term, if at all possible, a tour train. The idea, I take it, would be to pick up people from all points in Toronto—that would be the collector—and then utilize the train to take people through various communities of northern Ontario to tie into the pulp and paper path, the Cobalt silver mine area, etc. Where is that at?

Mr Dymont: It is fairly dormant right now. There is only the one train into the north. There was some conjecture that perhaps we could tie the Algoma Central Railway to the CNR to the ONR. Whether that could ever be done is unknown at this point.

Mr Bisson: Why could it not be done? Both lines are fairly close to each other in Hearst, are they not? Oh no, there is the CN line up in Hearst, that is right.

Mr Dymont: They actually cross at Hearst, but we were attempting to buy the CNR line from Cochrane to Hearst. That has not yet been approved.

Mr Bisson: At one time the ACR—I do not know if it still does—used to run a skidoo tour, for lack of a better term. They were picking up tourists in Sault Ste Marie, loading their machines up on the flatbed and trucking people by train up into places like Hearst, in order to bring people to connect to the skidoo trails up in that area.

Mr Dymont: It was the ACR that was doing that. It is still doing it; it has been organized by the community of Hearst and it is very successful.

Mr Bisson: Has anything like that been looked at? Is it at all feasible with regard to the other part of the line?

Mr Dymont: It is very feasible. The difficulty we have is that we do not have a train that runs into Toronto. The system works where you can go to the market, which would be Toronto in our case, and let people load their skidoos on to a box car or a specially built car and then haul it up to the skidoo trails. But the CNR controls that line from North Bay to Toronto.

Mr Bisson: But you presently run the Northlander on that line. Could you not get into—

Mr Dymont: But no freight.

Mr Bisson: Pardon me?

Mr Dymont: We have no freight trains. We have no ability to get freight cars into a market in Toronto.

Mr Bisson: So you are saying you could not negotiate with the CN people the ability to haul an ONR train from Toronto all the way up, let's say, to Hearst or Kirkland Lake or wherever you are going with these particular things?

Mr Dymont: The rate is something like \$14 a mile, which makes it prohibitive.

Mr Bisson: There is a heck of a potential for that, as far as what it would mean for the tourism outfitters and the people in the north is concerned.

Mr Dymont: I agree with you. I have talked to tourist operators and snowmobile associations up there and I am trying to encourage them to get the networks moving within the north. Hopefully the future will give us some way of getting the southern Ontario market up to them. If we can get it to North Bay, then they can plug into the network.

Mr Bisson: As for the Northlander itself, you are not paying 14 cents a mile on that, are you?

Mr Dymont: We are paying \$14 a mile.

Mr Bisson: I will get to that on my next turn around. I think we are getting close to lunchtime and people are about to say it is about time. At this point I will break, provided I am still on the list coming back.

The Chair: That raises an interesting point, because some members felt we could finish questions in respect to the open part of this meeting and continue for the next 15 or 20 minutes, but I think it is clear that we are not going to be able to do that. We have Mr Brown, Mr Hayes, Mr Bisson again, Mr McLean and Mr Waters all on this list. On that basis, perhaps we are best to break for lunch now. We will come back at 2 o'clock and try to finish off the open session within half an hour and then get into the in camera session around 2:30, if we can all be back here at 2 o'clock sharp.

Mr Marchese: Mr Chair, we will not allow repeat questions, is that correct?

The Chair: We will try not to, yes. We will break for lunch and we will see you back here at 2 o'clock.

The committee recessed at 1203.

AFTERNOON SITTING

The committee resumed at 1408.

The Vice-Chair: The Chairman is a little late, so we will start. I understand there are several questions people still want to ask.

Mr Grandmaître: Mr Dymont, can you tell me about your two operations, the commercial side and the non-commercial operation and how you balance your books, because maybe Mr. Laughren would need your help to balance the books.

Mr Dymont: We are essentially a commercial organization and we run a telephone company, a railway, a truck line, a bus line and a boat line.

Mr Grandmaître: How do you distinguish between the commercial and the non-commercial?

Mr Dymont: We do not, really.

Mr Grandmaître: You do not?

Mr Dymont: In a very great sense, as far as operations are concerned, we do not. We just run, for instance, a railway. We run trains and we keep track of our expenses and our revenues associated with running a railway. As part of running a railway, the government has asked us to run some passenger trains and we have said in previous years: "We can't run a passenger train and make money. We just can't do it." They have said, "Okay, we'll pay you to run the passenger trains then," and each year we negotiate the price to run passenger trains. But that negotiation to run a passenger train is not much different than a negotiation we would conduct with Dofasco to run an ore train or with Marsulex to run an acid train or with any of our customers to run freight. We just negotiate with the province a price to run a passenger train. We are running freight trains and passenger trains, all part of a railway, and we are collecting revenue. In one case it is revenue from the government for a service it has directed us to undertake.

Mr Grandmaître: Do you negotiate with government every year?

Mr Dymont: Every fall.

Mr Dymont: That is all outlined in the memorandum of understanding; the terms of reference and the guidelines for our negotiations are in there. We just try to determine what it would cost us to run that particular operation and then we negotiate the price from there, but I do not find that much different than negotiating any price. We undertake a risk as we would with any customer.

Mr Grandmaître: I thought there was a distinction between the commercial operators and the non-commercial operators. It is all part of one budget; is that what you are telling me?

Mr Dymont: Yes. As far as we are concerned it is one giant budget. This is outlined in our annual report where we have revenues from government-directed services. I can tell you what the government-directed services are: the rail-passenger, the norOntair network, the ferry business in Moosonee, and the Owen Sound Transportation Co. They

are in our MOU and you will see them in our annual report.

Mr Grandmaître: It is one global budget except that your budget is divided into five different operations: one for railway, buses and so on and so forth. Is that how you do it?

Mr Dymont: Yes. I think it is six operations.

Mr Grandmaître: Six?

Mr Dymont: Five or six, yes.

Mr Grandmaître: At the end of the year when you are balancing or trying to balance your books, do you have five sets of books or one set?

Mr Dymont: I do not like to use the term "set of books." Our corporate accounting group keeps track of railway expenses and revenues separate from the norOntair expenses and revenues, which are separate from the marine business which is separate from the telephone company.

Mr Grandmaître: At the end of the year, though?

Mr Dymont: At the end of the year they are shown separately and shown in total.

Mr Grandmaître: I see.

Mr Dymont: For instance, if you went through our annual report, which we put in our package to you, and looked at pages 24 and 25 you will see the various operations separately, and if you turn to page 20 you will see them in total.

Mr McLean: I have a couple of questions. Cindy, you are the vice president of administration and development?

Ms Boston: Yes.

Mr McLean: Are you the secretary for the commission members when they meet?

Ms Boston: No.

Mr McLean: Are you in administration in the North Bay office?

Ms Boston: Yes.

Mr McLean: How many staff people would there be in the North Bay office?

Ms Boston: There are 200 people in our head office building: management, non-scheduled and unionized.

Mr McLean: Do you have buildings in Timmins or other offices?

Ms Boston: Yes.

Mr McLean: Whereabouts?

Ms Boston: Throughout the system.

Mr McLean: How many?

Mr Dymont: The question is how many buildings do we have?

Mr McLean: How many offices do you have where you have staff people?

Mr Dymont: Wow.

Mr McLean: Several?

Mr Dymont: Many. We have a freight office in Moosonee, for instance. There would be a clerk there.

Mr McLean: In Kenora, where the airplanes fly out?

Dr Dymont: We do not have any offices.

Mr McLean: You do not have any offices there. How many times does the commission meet?

Mr Dymont: 11 times a year.

Mr McLean: Are there any new members on that commission other than the one who was just appointed?

Mr Sinclair: Mr Marshall?

Mr McLean: Mr Marshall. Are you at your full complement?

Mr Sinclair: I do not think there is a statutory limit to the number. We have recently had three appointments plus Mr Marshall who is the most recent, so there would be four, say, within the last three months.

Mr McLean: Is there a certain number that are on the commission?

Mr Sinclair: Historically I think there have been 10 or 11 people on the commission. We are back to that strength.

Mr McLean: But under the terms of reference of the commission that were set up in the statute by the ministry, would it not say how many commission members there would be?

Mr Dymont: You must have one.

Mr Sinclair: Peter advises me that it says we must have one commissioner.

Mr McLean: There is no maximum?

Mr Sinclair: That is my understanding.

Mr McLean: Then how many members do you have now?

Mr Sinclair: There are 10, including myself.

Mr McLean: I have a letter here from the minister. There has been a copy sent to you. It is a public document. It is something anybody can have. He indicates in this letter, "I am writing to you concerning the proposed purchase of Gray Coach equipment and routes from Sudbury and North Bay to Toronto by the Ontario Northland Transportation Commission." This letter is addressed to Brian Crow, who is president of the Ontario Motor Coach Association.

In that letter he indicates: "You have expressed some concern"—the minister has—"to my staff about the competitive implications of certain services that might be undertaken by the commission as a result of this acquisition, specifically, charter buses originating from Toronto and the Toronto-to-Barrie service. As the minister responsible for the ONTC, I am supportive overall of the acquisition because of its positive implications for passenger bus service to northeastern Ontario."

It goes on and says: "However, I do understand that some may have concerns about the bus passenger service that does not directly relate to northern Ontario. While the legislation governing the operation of the commission does not limit its mandate to northern Ontario, certainly its primary function is to serve that region." This is from the minister.

"In this context, I am prepared to examine the policy implications of Toronto-based charter service and Toronto-to-Barrie service, to see how well they fit in the long term with the mandate of the commission. Specifically, I will examine the options of limiting Toronto-based charter services to northern Ontario destinations and selling the Barrie-Toronto route."

Have you had conversation with the minister with regard to that letter?

Mr Sinclair: What is the date of that letter, Mr McLean?

Mr McLean: That letter is January 31, 1991.

Mr Sinclair: There are some intervening events that took place after that. There have been two hearings before the Ontario Highway Transport Board since the date of that letter at which time the position of Ontario Northland and the licences applied for were quite different than when we started out.

Mr McLean: Bob-Kat Tours Inc has indicated very strongly with regard to the Ontario Northland charter tours out of Barrie that they realize Gray Coach did have the right to do that. However, to their knowledge, that hardly ever happened and now they have Ontario Northland coming in and saying it is now going to fulfil the mandate they believe they have to offer tours anywhere in North America.

As to the service that has been there in the past, mainly coming out of Barrie, Penetanguishene and Toronto, you are now fulfilling a mandate that has been fulfilled by private enterprise. The question I have is, do you believe the ONTC should be in competition with private enterprise in those types of tours going out of province?

Mr Dymont: We bought a service from Gray Coach which had a licence to operate charters and tours. We paid for it, signed an agreement and took the request to pick up their licences to the Ontario Highway Transport Board, and the Ontario Highway Transport Board has ruled.

Mr McLean: You are quite pleased to be able to do that. Would you be in any position to be interested, as far as the commission is concerned, in selling off some of those lines you have bought to the private corporation?

Mr Dymont: Our concern, as far as the Ontario Northland Transportation Commission is concerned, is to provide good service for the people of northern Ontario, to make sufficient excess revenue to refund our plant and keep us active in developing the north. If we can satisfy that mandate by selling something, I am sure we would look at it.

Mr McLean: With the \$8-million increase you are going to have now with the acquisition of the Stage Coach lines, they figure the northern route will increase annual revenues from \$5.4 million in 1990 to \$13.4 million in 1995, so you are looking at a four-year overall increase in order to meet that commitment. Your expenses, however, are also going to rise some \$7 million. In your opinion, do you feel the purchase will offset some of the loss you have in the transportation business as far as the coach end of it is concerned?

1420

Mr Dymont: Absolutely, and I think that is shown quite nicely in the report. The other important thing is that the increase in expense is for drivers primarily, and for mechanics to maintain and run our buses, the majority of whom will be located in North Bay and Timmins, which is important to us.

Mr McLean: A final question on this: The fact is that you have runs from Barrie to Owen Sound and Barrie to Midland that are running empty. Why would you continue to run them when they are not making any money? They are going to lose you money. Why would you continue to run them when you have the other direct routes that will make you money?

Mr Dymont: We do not have any runs from Barrie to Owen Sound and Barrie to Midland.

Mr McLean: You are not using that route at all?

Mr Dymont: No, we do not have a license for it.

Mr Waters: A few questions: Some time ago you said that you bought Gray Coach and its honour system, and you indicated that you have not changed anything from when Gray Coach had it. I believe that within a matter of days of purchasing Gray Coach, you sent out a letter to PMCL that said, "Please be advised that effective immediately Ontario Northland is terminating all interline ticketing agreements and arrangements with PMCL." You said you were going to keep their honour system and everything was going to stay the same, yet within a matter of days you sent a letter saying everything is changed. Can you comment on that?

Mr Dymont: Sure. Are we getting into an area that we said we would not get into before we went in camera?

The Chair: You probably have a better sense of it than I do.

Mr Dymont: I think we are.

Mr Waters: I will reserve that one for the in camera session then. Another part I am curious about is that you pay CN to run their lines—

Mr Dymont: We pay CN to run on their lines.

Mr Waters: Yes, to run on their lines. What happens if freight is going to the north or something? Does CN run on any of your lines?

Mr Dymont: We pay CN to run on our lines, and that applies to a passenger train only, because they have no—

Mr Waters: In any way do they run on your lines?

Mr Dymont: Only if they have a train wreck and they have to use our lines for a reroute.

Mr Waters: At that point that they would pay you?

Mr Dymont: That is right.

Mr Waters: How much is it that you pay?

Mr Dymont: Right now we are paying \$21 a mile, but that, I have to say, includes some labour to operate trains. If we operated the trains ourselves we would incur some of that expense in any event. I think the figure without labour is \$14 a mile.

Mr Bisson: Just for clarification, I thought you were saying this morning it was \$14 a mile.

Mr Dymont: Yes. I just explained that.

Mr Bisson: You are saying \$14 for a total of \$21?

Mr Dymont: When I pay \$21 a mile, I said some of that is labour which we would incur in any event if we ran the trains ourselves. If you exclude the labour, I think the figure is \$14; exclude the labour we would pay if we had to run the trains.

Mr Bisson: You actually do not run any freight on the CN line. You haul it as far as North Bay and somebody takes it on from there. Is that basically the way it works?

Mr Dymont: The way railways in North America work is that you haul your freight cars, anybody's freight cars, on your lines. When you get to a point of interchange, you remove your locomotive, and caboose if you have one, and the other railway takes it from there.

Mr Waters: As I said before, I just came from a trip up north. As I mentioned to you at lunch so that you would have time to think about it, what do you do in public relations? On my trip up north, it seemed that every town I went into, whether it was tourism-related or not, people were complaining about ONTC, everything from your telecommunications on through.

Part of their concern was with what I was doing, the snowmobiling aspect of tourism. They were afraid that you were going to build hotels, that you would bring the tourists up, and that it would be strictly ONTC, right from the transportation to the hotel to the guide, everything. I would not mind some comment on what your plans are in that respect.

Mr Dymont: We do not have plans to build a lot of hotels. We built one at Cochrane because there was a need. We are building one in Moosenee because there is a need. If somebody else wants to build it in Moosenee, we would be happy to back off. We do not plan any other hotels. In Timmins, where our land is available, there was a joint venture proposed with a hotel on it, but that was based on need, based on the market and the private sector leading the entire project.

We do not plan to bring snowmobilers to the north and put them in our hotels, and we are not in the snowmobile business. There may be some adverse public reaction to our views on snowmobilers. I happen to be one myself, so I do not think they are so evil, but our railway does not like snowmobilers on railway tracks. We are actively campaigning to keep people from trespassing because we have had fatalities, we have hurt people and we think we have a responsibility to keep them off the tracks unless we can somehow control the access. I think I touched on all the points you raised.

Mr Waters: A couple of quick ones here: I seem to recall some conversation earlier on about how you are going to run tours to the north. Why would you be applying for a license—I do not know whether you have received it or not—that would specifically allow ONTC to carry passengers from within Ontario to destinations outside the province? It is my understanding that this would affect

virtually all of central Ontario. You could pick up anywhere you wanted in Muskoka, Simcoe county, and run tours to Nashville or Florida or whatever.

Mr Dymont: We bought from Gray Coach the routes from Sudbury to Toronto and North Bay to Toronto along highways 69, 11 and 400. Is that what you are calling central Ontario?

Mr Waters: Yes.

Mr Dymont: If that is what you are calling central Ontario, we bought the routes from Gray Coach. We had to apply to the Ontario regulator to verify the passage of licence to us. The licence was transferred. We can run charters and tours from points along those highways. As I explained earlier, we and all other bus companies run charters and tours to supplement our ability to stay in the bus business and run regular passenger runs. I think the intervenors, those who objected to us picking up these licences, are in the charter and tour business as well and recognize that it supplements your ability to become a commercially viable commercial operator.

Mr Waters: I have two more. What is your affiliation with the Toronto bus terminal? Do you own that?

Mr Dymont: No. We are a bus company that rents space and rents our ability to park there like anybody else.

Mr Waters: I found it interesting, when one of my staff phoned the bus terminal in Toronto to get a ticket to go up to Orillia, that she had to make three phone calls. She finally asked specifically about PMCL's schedule in order to get it. The only thing they were willing to give her was the schedule of Ontario Northland. She phoned from my apartment here in Toronto. I know it to be true. It took three calls to get the earlier route out of Toronto. Every time, they kept saying, "Ontario Northland, Ontario Northland." Finally she said, "No, I want to know if there is another bus line such as PMCL that is running at an earlier time." It took three calls to do that.

Mr Dymont: We have no assets here in Toronto. We have no employees answering the phones or directing people.

Mr Waters: I am going to ask one last question. I got the sense when I talked to people up north who are your employees, and my staff went out and made some inquiries and they got the sense—I will read what my staff wrote down—"The general sense I got was that intimidation was used to keep people quiet. No one would talk to me if it was not confidential." Everyone is afraid of yourself, sir, the president of Ontario Northland, and they are afraid they have no protection. I would like your comments on this.

Mr Dymont: I would make no comment on that.

Mr Waters: You would make none?

Mr Dymont: No.

Mr Waters: It sounds to me like we have a major problem with employee relations here. That would be all my questions at this moment.

1430

Mr Brown: I am interested, as you might expect, in the Owen Sound Transportation Co. May I first point out

to members who might not all be aware that Ontario Northland, through the Owen Sound Transportation Co, runs the two ferries to Manitoulin Island from Tobermory. We are pleased that we have put a second ferry on, I believe three years ago.

Mr Dymont: Yes.

Mr Brown: That service is certainly much appreciated by those constituents who live on Manitoulin and are on the North Shore. I think it has aided our tourism business significantly, besides helping our local people commute to southern Ontario.

I am interested in knowing when we might expect the Nindayama or the Chi-Cheemaun to be permanently docked in South Baymouth. I understand perfectly that it has to do with the amount of traffic we have, but what is your expectation in terms of the time line for when we will get to volumes that will permit the Nindayama to be moored at South Baymouth, giving us the opportunity of perhaps a couple of more sailings a day?

Mr Dymont: When we put the Nindayama into service, it was, as you will recall, during a period when tourism was on a pretty—

Mr Brown: Those were the days.

Mr Dymont: Yes. We put the Nindayama in there the first year because we were leaving people on the dock, primarily at Tobermory, and we predicted a 10% increase in traffic per year as a result of that. We thought that when the traffic increase was near 40% we would start sailing from South Baymouth early in the morning. We got the 10% the first year and we have resided there ever since. I guess our prediction is still the same: When we get that 40% figure, we will start sailing from South Baymouth in the morning. As you know, we did an environmental study to make sure we would not cause any difficulties. That has been completed, and it is positive.

Mr Brown: That is great. Of course, my constituents are looking forward to the day we reach that 40% because it will mean business is a little bit better on Manitoulin and also that for the first time they will be able to have those sailings first thing in the morning, so it is a convenience factor as well.

The second question I have is about norOntair. Again, we are quite happy with norOntair putting the flights in, as I said, not very long ago. While it is a vast improvement over having no service, we are somewhat interested in the mandate of norOntair and in understanding exactly what the feeling is of both the government and the commission on flying directly to southern Ontario.

I was pleased to note in the Dash-8 announcement that for the first time, at least to my knowledge, you were prepared to fly into southern Ontario—or maybe eastern Ontario would be more precise—and Ottawa. I was wondering if that is a change in the commission's and the government's thinking or whether we are still thinking about just having norOntair service the hubs of northern Ontario.

Mr Dymont: Really there is not a firm policy that we shall not fly into Toronto. We have done it. We did it during the Air Ontario strike, for instance, and for a while

after that, when Air Ontario did not provide service from Kapuskasing and Elliot Lake, I think it was, we continued our Dash-8 service into Toronto.

The mandate of norOntair has not changed in that its role is to try to collect people from the 21 northern communities we serve and take them to some airport where they can then get a connection to the world. When we take people to the major collecting points now—Thunder Bay, Sault Ste Marie, Sudbury, Timmins and North Bay—they can get that connection to Toronto. But we saw a lack of connection from those points to Ottawa and we had complaints, especially from the Highway 11 corridor north of North Bay, that they could not get a connection to Ottawa. There just was not one. We felt there was a void so we filled the void. But we do not think there is a void to Toronto, assuming we get people to those major airports.

Mr Brown: As you know, in the Manitoulin case there was a private carrier in operation that was flying the direct route and for various reasons it found that to be impossible to carry on with. The numbers I was told are that they were carrying approximately 400 passengers between Toronto and Manitoulin per month and that presently the norOntair air service moves about 100 people from Manitoulin either to Sudbury or Sault Ste Marie for connections. I am just looking at it from a service point of view. There was obviously a great demand for the direct flight rather than a kind of shuttle flight to a larger airport. I wonder if the commission would be interested in entertaining a direct flight, given the difference in the numbers in terms of utilization.

Mr Sinclair: There is a seasonal nature to the Manitoulin Air Service, which is summertime only for the most part, with heavy loads in the summer directly into Toronto. It would be expensive to operate.

Mr Brown: I recognize that but I think I was given the 300 as an average number. They were flying daily during their last year of service all year around. Obviously traffic to the north in tourist season is far heavier than it is at other times of the year.

I am just asking you to consider it. I am not exactly sure those numbers are very precise. I would just like the commission to have a look at that because it seems to be a service that was being utilized and now is not to the same extent. You may find some economies there in terms of direct flights that you are not finding in the shuttle service. What I am really saying here is that I am just asking you to look at it. Do not get me wrong. We are happy that you have come in and filled a void that obviously was needed in our area.

Another question I have concerns Algoma Central Railway. Have you been talking to ACR? Have there been any negotiations. Is ACR interested in your getting into purchasing or entering into agreements with it.

Mr Dymont: We have been acting as a resource for the Ministry of Northern Development in talking to ACR and in attempting to evaluate the railway as a commercial venture and run out some prognosis for the future. To the extent that they wanted another railroader's view of how things looked for the ACR now and in the future and what

the residual value was, we provided assistance. We certainly have not negotiated with ACR to buy it, nor have we made an offer.

Mr Brown: You acted really in terms of a consultant who has knowledge of operating railroads in northern Ontario?

Mr Dymont: Yes.

Mr Brown: The final question I have—maybe it is not the final question—relates to our earlier discussion concerning the minister. Did you supply the minister with the information about those contracts with Bearskin, not necessarily you personally but the organization?

Mr Dymont: I cannot answer that. I do not know.

The Chair: Mr McLean, do you have any questions?

1440

Mr McLean: Yes, I have two that I could wrap up with. In the letter that was sent to Mr Dubeau by Mr Carmichael, director of bus services, says:

"Please be advised that effective immediately, Ontario Northland is terminating all interline ticketing agreements arrangements with PMCL. Ontario Northland drivers will not accept PMCL tickets on Ontario Northland routes."

The agreement with Gray Coach was that these were interacting and your agreement was that you would take over and supply the same services. It is the public interest I am concerned about. Why would you not allow those interline ticketing agreements to continue as they were with Gray Coach? I cannot understand why you would do that.

Mr Dymont: We will provide the same interline arrangement that Gray Coach had in effect.

Mr McLean: But you are not doing it.

Mr Dymont: I would argue that and I would suggest that we wait until we get in camera. I can get Gray Coach to articulate what the arrangement was.

Mr McLean: I am not worried about that. All I am going by is what information I have. It is here in writing.

Mr Dymont: Is it from a party to the issue?

Mr McLean: I faxed the letter. Yes, it is signed by Mr Carmichael, director of bus services of Ontario Northland, and it was faxed to PMCL advising it that the ticket agreements arranged would be cancelled immediately. That is a public document and it is for discussion. I just want to know why you as head of Ontario Northland would not continue the agreement Gray Coach had. You bought their service. You bought what they had. Why did you not continue on with it as it was?

Mr Dymont: We would be quite willing to continue on with the Gray Coach arrangement.

Mr McLean: Then why was that letter sent out?

Mr Dymont: I think that should be dealt with in camera, but for the public record we would be quite prepared to Xerox the Gray Coach arrangement and change the letterhead to Ontario Northland tomorrow.

Mr McLean: Okay. The final question on this has to do with the routes. You had indicated in my last questioning that you no longer operate Barrie-Midland-Penetang and Barrie-Collingwood-Owen Sound. Is that right?

Mr Dymont: We dropped our request for a licence.

Mr McLean: You dropped your request for a licence and you are not running those routes now?

Mr Dymont: No. We are contracting with Gray Coach, which holds the licence.

Mr McLean: Did Gray Coach and PMCL not have an agreement that PMCL would run those routes and Gray Coach would not?

Mr Dymont: PMCL cancelled that agreement.

Mr McLean: I see. But they were still running it and Gray Coach was not, although Gray Coach probably still had the right to the routes. Would that be right?

Mr Dymont: You are now asking Ontario Northland to comment on a PMCL or Gray Coach question.

Mr Bisson: I want to pick up on something you said a little while ago in light of what my colleague had said. You had said at the beginning that you actually have a good labour relations arrangement with the people who work for the ONR. From what my colleague Mr Waters said, apparently there are some problems. Can you explain what the discrepancy is?

Mr Dymont: I suppose it is an interpretation and it depends whom you talk to. I did explain that we do not have good relations with the Canadian Auto Workers, and we do not.

Mr Bisson: What are the outstanding issues, because that would represent the people who actually work in your shops?

Mr Dymont: No. We are dealing with the railway, which has about 600 to 650 unionized employees. Two thirds of those are represented by six unions. We are negotiating with those six unions right now and they are going well, no problem.

Mr Bisson: What are the outstanding issues with CAW then?

Mr Dymont: CAW wants a 19% wage increase per year and it wants something in excess of 70% in benefits. We think it is outlandish. It is pretty difficult to move things off the table when you are starting with that.

Mr Bisson: My understanding is actually a little bit different than that because I had a chat with somebody in North Bay. The last time I was there somebody button-holed me on that. The issue actually had to do with some of the non-monetary issues, if you want to consider them that. I think one of them had to do with an employee assistance plan. There was some arrangement trying to be made to put in an employee assistance plan and apparently there was some dispute about whether the workers should actually participate in the plan as counsellors. Do you know anything about that?

Mr Dymont: We had the first employee assistance plan of all government agencies in Ontario. It is still in effect and it is employee operated.

Mr Bisson: I am aware of that. I am just wondering, because that was one of the things that was asked of me.

Mr Dymont: Could you mention the union that referred—

Mr Bisson: It was the CAW people.

Mr Dymont: Then I do not know. We certainly have an employee assistance plan, employee run.

Mr Bisson: It is run by the employees, counselling by the employees?

Mr Dymont: Counselling by the employees with the assistance of the Addiction Research Foundation and we pay for it. The head of the employee assistance program right now is a former union general chairman who is now a union member, so I do not know.

Mr Bisson: I certainly wish you the best with your upcoming labour negotiations.

Mr Dymont: I must say that negotiations with the six majority unions are going well. I would not like those unions to think that I do not feel things are going well, because they are.

Mr Bisson: Just one comment: One of the things that can obviously help in any negotiations is to try to keep comments about the other union to a bare minimum. Who was the trouble with in the negotiation? I would not be repeating that kind of stuff around.

Mr Dymont: But I must answer the questions.

Mr Bisson: I realize that. I just wish you well.

Mr Grandmaitre: Mr Dymont, are you in the video production business?

Mr Dymont: No, we are not. We wanted to be but we have now decided against it. We are not.

Mr Grandmaitre: When did you decide not to get involved?

Mr Dymont: About November.

Mr Grandmaitre: November of last year?

Mr Dymont: Yes.

Mr Grandmaitre: When were you asked to consider that possibility?

Mr Dymont: We considered it last summer. As a matter of fact, it gained some impetus on Manitoulin Island, where we felt that there was a good market for us to go and do tourism videos and that the way to pay for it was to get into commercial ventures. But we are not doing that any more. We have decided against doing it.

Mr Grandmaitre: Naturally, if you have decided against it, I suppose my next question is useless. Why would you even consider getting involved in video production?

Mr Dymont: Because there are not very good tourism video pieces available for northern Ontario. We wanted to produce for TV, for home consumption and for foreign consumption, videos about northern Ontario as a destination. We could not afford to do it. You are talking about a lot of money. The only way we could do it—we have internal video equipment for our own use—and not cost money was to sell our services. We felt that by selling our services outside for anybody who needs video services the revenue we got from that would support doing our tourism videos. We could not go to the tourism operators in the north and ask them to support it because they cannot afford it. This was the only source of revenue we had to provide video productions for the north.

Mr Grandmaitre: You are telling me, Mr Dymont, there is nobody in northern Ontario right now in the video business who can provide this government, or any other agency for that matter, with a good video? There is no business enterprise? There is nobody in northern Ontario in the video business?

Mr Dymont: They will do it for a price. We were going to do it for nothing.

Mr Grandmaitre: Naturally they will do it for a price.

Mr Dymont: Yes, but how can Manitoulin Island—and this was our point—afford to pay for video productions?

Mr Grandmaitre: In other words, you would use tax dollars.

Mr Dymont: No.

Mr Grandmaitre: That was your intention. To get into the video business you would have used tax dollars to subsidize somebody else, right?

Mr Dymont: No. We have video equipment for our internal purposes. We were going to rent ourselves out and make money and with that money produce videos for the tourism people. But as I said, we have decided against it.

The Chair: Does any other member have any questions before we move in camera?

Mr McLean: Yes, I just have a couple. I am not sure whether I am going back to that letter on the 28th or not. I was reading some of the notes that were prepared by our research: "ONTC informed PMCL it was terminating all interline agreements that it inherited from Gray Coach." My understanding is that PMCL had an agreement with Gray Coach for one year, from 1988 to 1989. There was no agreement with Gray Coach or Stage Coach and you purchased what Gray Coach had. The bottom line is that you have now extended it beyond what they were operating. I just wish you could negotiate some form of agreement that it would be the way it was before you took over, with a private operator able to stay in the business. I do not know whether you can do that or not, but that is what I would like to see you do.

1450

Mr Dymont: For the record, PMCL has a letter, signed by me personally, which says that all Gray Coach agreements are in effect until we negotiate something different.

Mr McLean: I am going to leave it at that.

The Chair: When were you appointed to the chair?

Mr Sinclair: In August 1989. My term expires June 19 this year.

The Chair: Has there been any indication from the government whether it wishes you to stay on, or have you indicated that you have a desire to stay on?

Mr Sinclair: There have been no discussions at all.

The Chair: Prior to 1989 did you serve on the board?

Mr Sinclair: Yes, I was appointed to the board in June 1986.

The Chair: How much time does the chairman or a member of the board have to devote? We had a reference to 11 meetings per year. I am not sure what this means in terms of time, but I notice the commissioners all serve as directors of seven different boards as well. What does that mean in terms of time commitment for commissioners?

Mr Sinclair: The boards which are served by the members of the commission are subsidiary companies the sole shareholder of which is Ontario Northland. Those are the operating entities, in some cases, of Ontario Northland. For example, the Owen Sound Transportation Co is a subsidiary. It is the entity that operates the boats on the Great Lakes. Star Transfer is one we have discussed; it operates the freight. They are operated as units of Ontario Northland. They are separate legal entities, but they are operated as divisions.

The extra time commitment that a director or commissioner of Ontario Northland makes to those subsidiary companies is just part of his responsibilities as a commissioner. There would be no separate duties. There are separate meetings held at the same time as the regular meeting of the commission itself. We have 11 meetings a year, as you have mentioned, and there might be three or four days a year in addition to that where members of the commission might be travelling to some community where the commission operates services. For example, we have been to Moosonee, Kenora and other areas. Oftentimes those trips out are to coincide with the regular meeting. At the end of March we anticipate having the regular meeting of the commission in Kirkland Lake, which will coincide, we hope, with the opening of the building we have just constructed there.

As for the time commitment of the chair, it is a little hard to tell. I might spend three, four or five days a month away from my home on matters involving Ontario Northland, like today. At the same time, Peter might agree that I phone him too often to inquire about things that come across my desk, communications I might have from people separately or certain matters I am working on that involve the commission where I would be getting in touch with people. It is hard to tell. I think last year it was an average of maybe about four or five days a month that I dedicated to the work of Ontario Northland.

The Chair: When you were appointed by the previous government, did the minister of the day or the Premier—I am not sure whether it is a Premier's or a minister's appointment, but in any event were you asked to do anything specific with respect to carrying out your responsibilities as chair?

Mr Sinclair: To advise myself, inform myself as to the activities of the commission; to try and deliver some opinions, some expertise, some commitment to the undertakings and the time of the commission, and to try and make a contribution as best I could. I am not a railroader. I am not an airline pilot. I am not a Great Lakes salesman. Nor are any other members of the commission. But when you know the people who are on the commission, there is quite a cross-section. I think the real instructions were to serve the commission as best possible. At the same time,

everyone is very much aware that the commission serves the people of Ontario. We try to walk the fine line, as Mr Marchese said this morning. Sometimes in walking the fine line we provide service; other times in walking the fine line we appear to be hard-nosed businessmen. It is sometimes hard to explain to someone in Tobermory that we cannot provide a service because we have allocated funds to, for example, Moosonee or Moose Factory.

The Chair: We just recently dealt—I think it was mentioned earlier—with the appointment to the board of Lloyd Marshall, who works on the—

Mr Sinclair: Mr Marshall is an employee of Ontario Northland, yes.

The Chair: Does the board have any reservations about an employee serving as a member of the board? The conflict question arose during our hearings. I would like to know if you have any views on that and if the board has. What union is he a member of, by the way?

Mr Dymont: The United Transportation Union. I might say that when I read the briefing notes, which I got on my desk Saturday morning, the appointment of Mr Marshall was news to me. We have received no official communication, but we are very welcome to have him with us. At the same time, when matters involving areas where he works as an employee and matters involving the board are on the table at the same time, I think he will have to make some decisions and perhaps seek professional advice as to whether he has a conflict.

Mr Farnan: Would that not apply to all members of the board?

Mr Sinclair: Yes.

Mr Farnan: The same standard would apply to this appointee as to any other board member?

Mr Sinclair: Yes, that is correct. We have other members of the commission. For example, Victor Power is identified in the material you have as a guidance counsellor to the Timmins Board of Education. Mr Power is also the mayor of Timmins. There have been discussions carried on between Ontario Northland and the city of Timmins. Mr Power was recently re-elected, in November, but he has to walk the same line. We have had instances where members of the board who are solicitors have had people in negotiations with Ontario Northland; they have had to withdraw from the meetings. Mr Marshall will face a different type of challenge in identifying his potential conflicts.

Mr Jackson: And more frequently.

Mr Sinclair: Perhaps. But at the same time he will be guided by the same principles.

The Chair: Okay, I think we have agreement to move in camera. What I want to indicate before we do that is that the only people who will be allowed to remain in the room are Messrs Sinclair, Dymont and O'Connell and Ms Boston, as well as members of the committee. All others are respectfully asked to leave the room. Hansard will leave the room as well. We will have a five-minute break and then we will reconvene in camera.

The committee continued in closed session at 1458.

CONTENTS

Tuesday 11 February 1992

| | |
|--|-------|
| Agency review | A-851 |
| Ontario Northland Transportation Commission | A-851 |
| Mac Sinclair, chair | |
| Peter Dymment, president | |
| Cindy Boston, vice-president, administration and development | |

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Wednesday 12 February 1992

Standing committee on government agencies

Appointments review

Assemblée législative de l'Ontario

Première intersession, 35^e législature

Journal des débats (Hansard)

Le mercredi 12 février 1992

Comité permanent des organismes gouvernementaux

Révision des nominations



Chair: Robert W. Runciman
Clerk: Douglas Arnott

Président : Robert W. Runciman
Greffier : Douglas Arnott

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Table of Contents

Table of Contents for proceedings reported in this issue appears at the back, together with a list of committee members and other members taking part.

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at (416) 325-7400.

Table des matières

La table des matières des séances rapportées dans ce numéro se trouve à l'arrière de ce fascicule, ainsi qu'une liste des membres du comité et des autres députés ayant participé.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 12 February 1992

The committee met at 1006 in committee room 2.

APPOINTMENTS REVIEW

Resuming consideration of intended appointments.

PETER HERRNDORF

The Chair: We have a quorum. I am going to call the meeting to order. We can get under way.

We will welcome our first witness today, Mr Peter Herrndorf, who is the intended appointee as a member and chair of the Ontario Educational Communications Authority. Welcome, Mr Herrndorf, to the committee. We appreciate your appearance. You have been selected for a one-hour review. The way that works is that each party caucus has 20 minutes allocated to it to ask questions and receive responses. Do you have anything you would like to say at the outset?

Mr Herrndorf: Mr Chairman, I have no opening statement but I do want to say that I am very pleased and honoured to be here this morning and I look forward to your questions.

The Chair: We will lead off with Mr Grandmaître.

Mr Grandmaître: Mr Herrndorf, welcome to our committee. As you know, TVO has been a very special topic for a number of months and I would like to ask you what are your thoughts on TVO in general and also your thoughts on La Chaîne française.

Mr Herrndorf: Let me start with some comments about TVO. My reason for being interested in this position really has to do with the fact that, in watching TVO over many years, I am an enthusiastic supporter of the organization. I think the work they do both on the educational side and the broadcasting side is exemplary and it is an organization that all Ontarians should be proud of. I can elaborate on that, but let me deal specifically with the question of La Chaîne.

I read with enormous interest the testimony given in December, I think, by members of the board and some of the executives from TVO about La Chaîne. I was particularly fascinated by the eloquent defence of La Chaîne made at that hearing, the perspective that La Chaîne has become an indispensable part of the life of francophone Ontario, the fact that it has become, if you will, a forum for francophone Ontario, that it provides role models, that it provides education for everyone from preschoolers up. I was very taken by that testimony.

I have also been fascinated by the fact that three successive governments, the Davis government through Susan Fish, the Peterson government and now the Rae government, have either initiated La Chaîne, financed La Chaîne or supported La Chaîne, and that has been paralleled by the board of directors. So I am impressed both with the support La Chaîne has and with the quality of the work

that La Chaîne has done in a relatively short period of time.

I am also aware of the fact that there is an ongoing debate about the resources that should be devoted to La Chaîne: in fact, there is a school of thought that La Chaîne, at the moment, does not have adequate resources; there is also clearly a school of thought that says La Chaîne has a disproportionate amount of resources. I am not really in a position to judge that and I will not, I think, until I am there; at that point I will take a look at that. I think it is a very important initiative that has been taken by the province of Ontario and by TVO.

Mr Grandmaître: I am very pleased to hear you say that La Chaîne/TVO is an indispensable service, especially La Chaîne to the francophone population of this province. I do agree with you that a lot has been said in the last couple of months about its operation. I know that a new boss means a new approach, a new vision. I am pleased to hear you say that you want to take a second look at the operation of La Chaîne. But does that mean, sir, that you do not expect major changes? I know it is hypothetical. Need I ask you this?

Mr Herrndorf: I think my approach would probably work in two phases. The first phase would be a period of time in which I talked and listened to almost everyone involved with TVO. That clearly is employees, the board, volunteers, the friends of TVO, independent filmmakers, and I would want to spend a lot of time sorting through what all of them have to say about TVO.

The second phase would involve my working with my colleagues at TVO, and I think it is inevitable that there would be new directions, changes. But I would not want to do that until I had a very clear idea from that constituency, or number of constituencies, and I felt that I knew a lot more than I feel I know now. I think you can assume that at some point in the process TVO would make changes, hopefully improvements, head off in different directions, and I think that is healthy for an organization. The organization has had the same management for six years. I think it is inevitable that there would be changes, much as there will be changes where I work now when my successor comes in.

Mr Grandmaître: Can I get the assurance from you today that if any changes are brought about, especially to La Chaîne, you will consult with the francophone population?

Mr Herrndorf: You have my guarantee on that. My style is to consult widely, and on an issue like La Chaîne, it think it is even more important.

Mr Grandmaître: Good. I will pass for now, Mr Chair.

The Chair: Mr McGuinty, did you have any questions at this time?

Mr McGuinty: Not right now.

The Chair: Mr McLean?

Mr McLean: As chair, you will be the chief executive officer. Is that your understanding?

Mr Herrndorf: Yes, if confirmed by this committee, I would be chair and chief executive officer.

Mr McLean: The directors receive an honorarium of \$175 a day, and the vice-chair gets \$200. What is your salary going to be?

Mr Herrndorf: Let me respond to that by indicating that my salary would be in the deputy minister range. My understanding is that it is the practice for officials in the government to limit their comments on this to the kind of range they fall into, and I would certainly prefer to do that.

Mr McLean: And who has directed you to do that?

Mr Herrndorf: In my conversations with the government, the point of view I was given was that this was practice and had been practice for many years, that officials simply indicated the kind of range they were in, and I have so done.

Mr McLean: There used to be a time when we would know exactly what they were paid. It used to be advertised, and we would all know exactly where everybody was at. That was back in the good old days. Now we do not seem to know what anybody is getting and it is pretty difficult to find out what the staff does get paid.

Out of the 15 members on these councils, have you had any dealings with them in the past?

[Failure of sound system]

Mr Herrndorf: I have not. During my time at the Canadian Broadcasting Corp, I worked extensively with the advisory committees which, to some degree, were similar to this. So that is the limit of my experience with councils of this kind.

Mr McLean: The videotapes that were made were sold; they were cost recovery to non-profit educational institutes across the province. How has that program worked out?

Mr Herrndorf: I think I am not the best person to tell you that at the moment. The next time I am here, I would be happy to run through that in detail, but that is simply asking for experience that I do not have yet. Incidentally, I do not mean to duck you on this. I come having, I hope, a reasonable amount of general information about TVO, but in terms of the specifics, I am just not in a position to comment at this point.

Mr McLean: Okay. The previous chair had indicated there was inadequate government support. I am wondering whether the American commercial competition is a serious problem for TVOntario.

Mr Herrndorf: I can only give you my perspective at this point. I would hope that TVO would not worry too much about competition from American commercial networks. My hope would be that TVO would be, if you will, a dynamic alternative to the commercial networks, that it does its educational work, both in the schools and in broadcasting, it does so with very high-quality work and

through that develops a loyal audience. But if the question is, should TVO compete with the American commercial networks, my answer would be no.

Mr McLean: How do you feel the government can help TVOntario to meet the challenges which are posed by commercial broadcasting, in your own endeavours, now?

Mr Herrndorf: The challenge in broadcasting, I think, does not necessarily come from the commercial broadcasters. It comes from a rapidly changing environment; first of all, remarkable changes in technology over the course of the last 10 years. That has made life difficult for broadcasters. It has meant that in a place like Ontario people have remarkable choice that they did not have 10 years ago. It is just a very different environment.

Given the economy, given the needs of international competition, skills training, TVO has, if anything, an even more important role to play, but it is within that rapidly changing broadcasting environment that it has to function. Whether that means additional resources, as the previous management argued, I cannot judge at this point. But there is no question that there are a lot of pressures on TVO. Again, the next time I am here I will be in a much better position to judge that.

Mr McLean: I would like to hear your comments with regard to the percentage of the budget that it is indicated goes to La Chaîne and the English broadcaster?

Mr Herrndorf: This the point that I was making before to your colleague. To me the issue divides into two parts. The first part is the importance and validity of La Chaîne, and from my point of view the case has been made very strongly. I think La Chaîne is a great success story for the people of Ontario.

In terms of the allocation of resources, I pointed out to your colleague that that is the question I have to get a better handle on. It is fascinating to me that in the two and a half weeks since I have been nominated for this position I have heard passionate appeals on both sides of this issue: passionate appeals from supporters of La Chaîne who feel that it is underfinanced and I dare say equally passionate views about the fact that it gets too much of TVO's resources. The one thing I do know from my experience as a broadcaster is that if you are creating a network, La Chaîne or any other kind of network, it requires a critical mass of resources. One of the things I hope to do in the first few months is take a look at the way those resources are allocated between the two networks.

1020

Mr McLean: One final question, Mr Chair. Could the broadcasting needs of Franco-Ontarians be met by one integrated network?

Mr Herrndorf: I read through a lot of the testimony around that subject over the course of the last four or five years. I have read the views of elected representatives, the views of board members and the francophone community management and there does seem to be a strong view that, given the range of obligations that the English portion of TVO has in educational terms, in broadcasting terms, the needs of the francophone community would not be able to be met by a single channel. As I said, three governments in

succession, the Davis government, the Peterson government and the Rae government, have all subscribed to that view.

Mr McLean: Thank you, Mr Chair.

The Chair: With Mr McLean's permission I am going to take up his last two minutes. I have some difficulty with that, as you know, with respect to La Chaîne.

Mr Herrndorf: Yes, I do.

The Chair: People would paint me and others in a certain colour, which I disagree with. We are talking about responsible use of tax dollars and I have some difficulty, when you look at your predecessor saying La Chaîne was created for political reasons, and also when you look at the fact that you say it is a tremendous success story, when you are attracting about 180,000 viewers for an average of two and a half hours a week, and it is chewing up 32% of the budget. So I think the question of whether the needs of both language groups can be met through one network—and we are talking about public dollars here—is a valid one and obviously you are going to take it into consideration. But I am a little concerned that you go in with, it seems to me, a foregone conclusion in terms of describing it as a great success story. You know my views on this anyway.

A couple of things; I raised this with your predecessor too. I found, in my 10 or 11 years around this place, that a lot of Ontarians simply have no idea what is going on in the Legislature of Ontario. They are not familiar with the workings of committees like this, the responsibilities of members and the functioning of Parliament. I suggested to Mr Ostry the whole question of something like Inside Albany, which we catch on PBS, so that there is an effort by the educational network to educate Ontarians about their own Legislature.

I was watching TVO the other night and I saw a show called *Between the Lines*, which is produced by TVO in collaboration, I gather, with other provincial agencies. But it is a federally oriented show, dealing with federal issues. I found it a fascinating and enjoyable show. With your background in the electronic news field, it seems to me that this is the sort of thing that perhaps you could be taking a look at. I know, as a legislator, I am bringing people here who are totally surprised when they see this building, how it functions, and that is just the tip of the iceberg. I think you could perform a very worthwhile role as an educational network in informing the people of Ontario about the operations of this place.

Mr Herrndorf: Let me just make a comment. I happen to agree with you completely. It is the only criticism of programming I will make here this morning, but I have been surprised by the fact that TVO, over the last decade, has not covered the work of the provincial government and the Legislature. This is not something that I converted to yesterday afternoon. I really feel that the issues surrounding the Legislature and the government are so important that they just need much more airing.

The Chair: I am glad to hear that.

Mr Farnan: I will ask a couple of questions and then pass to my colleagues. First of all, I want to welcome you,

Peter, and it is nice to see someone as young as ourselves with—

Mr Herrndorf: That is the nicest thing anybody has said to me this week.

Mr Marchese: He is speaking for himself.

Mr Farnan: Peter, I will only ask a couple of general questions for the record. Could you comment in terms of your background and the goals of TVO and how they mesh?

Mr Herrndorf: I will just spend a few seconds in terms of my own background. For many years I worked in public broadcasting; 17, 18 years I worked in public broadcasting. I worked as a journalist. I worked as a producer. I worked as a program department head. I ended my time at CBC by being the vice-president and general manager of the English radio and television networks.

In the last eight years I have been the publisher of a magazine, *Toronto Life*. In my spare time, although my wife questions that description, I have done a great deal of volunteer work. At the moment I am chairman of the board of the Canadian Museum of Civilization in Ottawa-Hull. I have been chairman of the board of the Stratford Festival and the Canadian Stage Company. I have done a lot of that kind of volunteer work and I have tried to do some public policy work. I was involved, for example, in the pay equity deliberations five years ago with the Ontario government. I have been, for the last six months, involved in the Premier's Council on Economic Renewal and I have done quite a lot of work on the educational side with the University of Western Ontario, the University of Toronto, York University, oddly enough the University of Kansas in Lawrence. In a curious way, all of those experiences seem to dovetail perfectly into TVOntario; the level of interest in education and the fact that I have a five-year-old and a 10-year-old. Having a five-year-old and a 10-year-old kind of concentrates the mind around the need for education and the role that TVO plays in education. The background in broadcasting, I think, dovetails well with the kinds of public service imperatives TVO has, and the work I have done in the arts again coincides very well with some of thrusts of TVO.

My sense about TVO is that there are, let's say, three or four things that need to be done. First of all, to build on strength: They have very real strengths in programming and very real strengths on the educational side and I would like to build on that.

Second, I think it is very important that the finances of TVO be managed prudently, particularly at a time when, as we all know, we are going through a tough economy and it is important that the provincial government and our subscribers understand that the money is being very carefully dealt with.

A couple of other things I would stress in terms of my goals: I think it is very important to broaden the base of support for TVO, and by that I mean not that TVO suddenly have a dramatic increase in its ratings; I mean that there be a broad base of support in every part of this province for TVO and that the membership base go up.

Finally, I would like to see TVO begin to do an even better job in terms of self-generated revenues. I think it is very important that, in terms of international sales, the sale of curriculum programming to the US, underwriting by foundations and corporations, TVO do its bit during these tough times to make sure the resources are there.

Those would be some of the things.

1030

Mr Farnan: Basically I think you have answered my supplementary. I was going to follow up by asking you about the corporate goals. They include improving TVOntario's financial position and operating effectively, efficiently, a balanced budget, etc. I think what I liked about your response was the balance between the creativity, the programming, the management and the fiscal responsibility. Just on that fiscal area, in this extensive background are there particular periods of time when you had hands-on fiscal responsibility?

Mr Herrndorf: Yes, when I was vice-president and general manager of the English networks I had a responsibility for a budget of \$350 million and I was responsible for 6,000 to 7,000 employees. I had to make sure we met that budget month after month, year after year. In the last eight years the responsibility not just for meeting the budget but for making sure that our investors got a reasonable return on their investment was really my responsibility. That is very much a hands-on responsibility. So both my experience in the public sector and my experience in the private sector was very much hands-on in terms of financial management.

Mr Farnan: Mr Chair, I had a couple of other questions but I know my colleague is champing at the bit and wants to get in on the action, so I will defer.

Mr Marchese: Mr Herrndorf, welcome here.

Mr Herrndorf: Thank you.

Mr Marchese: I want to say you will be inheriting an institution that has had a very good reputation not only here in Ontario but in Canada and I think in many parts of the world as well.

One of the questions I was going to ask had to do with your vision of TVO. I think you have touched on that in part. I do not know whether you had some other thoughts about the vision, but if you have answered it then I have already heard that. The other part connected to the vision is the mandate of TVO. I know the ministry has been interested in reviewing the mandate of TVO and I wondered whether you are thinking of reviewing the mandate as a way of perhaps evolving.

Mr Herrndorf: One of the things I hope to do almost immediately is meet with the board and the staff of TVO and review the mandate, review the legislation under which TVO operates. My sense, so you know, at the moment is that in looking through that legislation, I think it is a very effective piece of legislation in terms of giving TVO direction. It is both quite supple and quite precise at the same time. My sense is that the legislation is effective legislation, but despite that I want to review it completely and I want to have those discussions with the minister, the

board and the staff to make sure that we are on the right wavelength.

In terms of the vision, something I said to the Chairman earlier, I do not want to sound like George Bush when he talks about the vision thing, but I also feel it is a little presumptuous to sit here before I have set foot in TVO and to start talking about vision. My style, again, is to consult widely, to work with a lot of different people and then hopefully through that process to begin to develop a revised vision.

Mr Marchese: I should say, Mr Herrndorf, that in general a lot of people have high expectations of people when they enter into these jobs and they almost expect you to have a vision before you enter into it, but I understand the comment you are making about getting into the job, understanding what is there and developing the vision as you go along.

Mr Herrndorf: My sense of TVO is that it is a very pluralistic organization. It is a creative organization. I think particularly in those kinds of organizations, the pluralistic, creative organizations, it is very important to make sure you have the range of opinion before you launch forth.

Mr Marchese: I want to touch on some of those aspects very shortly. About La Chaîne, I want to offer a contrary view to what Mr Runciman and others were saying. I am particularly interested in maintaining French programming, through La Chaîne in particular, particularly committed and devoted to the idea of preserving and promoting francophone culture in Ontario, which I believe La Chaîne does. That is a philosophical, personal statement I make about my commitment to it. I know you have commented on that but I thought I would share that with you. If you have some statements, I do not mind hearing about that again.

Mr Herrndorf: I think I have covered my response to La Chaîne.

Mr Marchese: The other point I want to raise very much connected to that is, what is your commitment to issues of multiculturalism and anti-racist work through TVO English programming and La Chaîne as well?

Mr Herrndorf: I am not sure how personal to be. I guess I will be. My family came to this country from Europe after the war. In the best sense we are immigrants, and proud to be immigrants in this country. It has always been important to me that this society provide opportunities for this remarkable cross-section of people we have and that this society believe in affirmative action for people who do not have those opportunities immediately. I am a supporter of pay equity and I was when I was involved in it as an issue at Queen's Park. My sense is that it is very important for TVO to be not only sensitive to issues that have to do with multiculturalism and women's issues. I think TVO, because of the nature of organization it is, has to program sensitively about those issues as well.

Mr Marchese: I want to understand your style of management, if you could describe that, so that I could get a good sense of how you will relate or want to relate to other board members and to other staff you will obviously have to work with.

Mr Herrndorf: I guess you would describe my style—or more particularly my colleagues over many of the places I have been would describe it—as being collaborative. I tend to take a long view. I tend to be quite tenacious in pursuing those goals. My sense is that, generally speaking, the places I have worked have been happy, creative shops; I think sometimes wondering whether my tenacity might be more than I can handle, but, as I say, generally happy, creative shops.

Mr Marchese: My other question has to do with the relationship to the minister or the ministry. My experience is that chairs of different institutions contact us when there is a crisis, sometimes a financial crisis and sometimes when there is a real problem that has emerged. Do you intend to connect to the minister or the ministry on a much more regular basis as a way of talking about the goals of TVO and how you can work together with the ministry on the mandate and on other areas you think TVO should get into?

1040

Mr Herrndorf: It is a fascinating balancing act that I think the chairman of TVO has to do. On the one hand, of course, as a crown corporation, it does operate at arms' length, subject to the legislation, the memorandum of understanding and CRTC licences. It is the board that really has to make judgements about TVO. On the other hand, and this is what I want to stress, I think it is very important for TVO not only to have close relations with the minister, but I also think it is very important that on major public policy initiatives there should be a tremendous amount of harmonization between the two. The minister and I have already spoken about that, and my instinct, and I think hers, is to make sure that it is not a relationship that suddenly develops fruit when there is a crisis. It is much better if in fact this is an ongoing relationship and it works effectively.

Mr Marchese: I wish you luck, Peter.

Mr Herrndorf: Thank you.

The Chair: Any other member of the government caucus? You have four minutes left, if anyone has a question.

Mr Farnan: I want to ask a question. I suppose it has been answered, but maybe there is some elaboration you can make upon it. Your predecessor, Mr Ostry, had initiated an agreement with Japan's public broadcasting company, and I think in earlier responses you indicated this was one matter in which financial advances could be made by TVOntario. Is there any elaboration on that as to potential markets you see that have not been tapped and that are there for some pioneering work to be done?

Mr Herrndorf: I became familiar with the senior executives from NHK at the public broadcasting conference that was held in Toronto in November.

The Chair: It was not in Cleveland.

Mr Herrndorf: No, it was not in Cleveland. We can get back to that. This is new management of NHK. They are not quite as interested in playing with—what struck me about the senior executives from NHK, and it was the president of NHK and the managing director, was the commitment they had to TVO. At that time I was simply

there watching this process, and they were clearly very committed to NHK. It is a three-year co-production arrangement.

NHK is the major broadcaster in Asia. The fact that they have carved out this relationship with TVOntario as opposed to other options they might have had I think is an indication of the respect they have for TVO, but I think it also opens up tremendous opportunities for TVO and for Ontario. Asia is the burgeoning market in the world. I think there are tremendous opportunities for the sale of programs, co-productions and joint ventures of all kinds, and NHK is a very good organization to be hooked up with. They really are an international powerhouse. I think Asia represents a great opportunity.

I think the other place that represents a great opportunity is Europe. Again, TVO has good relationships with not only France and Germany but interesting relationships with Holland and Belgium. I think there is a possibility of an evolving relationship with several of the broadcasters in Britain.

All of these represent opportunities for the sale of programs, potentially the sale of educational materials, joint ventures, and I think those are very good opportunities.

The Chair: Mr Frankford, you have 30 seconds.

Mr Frankford: I will pass.

Interjection.

Mr Jackson: Do you like baseball?

Mr Herrndorf: Do I like baseball? Yes, unfortunately I do.

Mr McGuinty: Mr Herrndorf, first of all, one of the concerns shared by many people sitting on bodies which are reliant on government funding is that there may be cutbacks in these times of economic restraint. I am wondering if you have received any kind of assurance from any member of government or from the Premier that there will be no cutbacks.

Mr Herrndorf: Let me be absolutely categorical. I asked for no such assurance and I received no such assurance. At the time I discussed this job with the government I, like everyone else in this province, understood the economic realities that were facing Ontario. Also, as a result of the role I have been playing through the Premier's Council on Economic Renewal, I just felt that it was inappropriate at that point to ask for such a commitment, and of course I did not receive it. I have to say as a rider that once in the job I hope to be a forceful advocate for TVO in these matters, but in terms of the period when the job was being discussed, there was nothing of that kind.

Mr McGuinty: You would, I am sure, be aware that TVO has suffered a blow to that wonderful intangible we call goodwill recently and a lot of that was a result of spending that originated with your predecessor. I am wondering, first of all, why you want to put your head into this wringer and, second, if you fully understand the demands that are going to be placed upon you. I have reviewed your CV and it is very impressive, but I do not think you have had a position that is going to be as public as this one; by public, I mean that my reading of the public is that they are

going to want to know what your salary is—I noticed there was some reluctance on your part today to disclose that specifically—and they are going to want to know what your expenses are. I am wondering if you are prepared to deal with that.

Mr Herrndorf: Let me respond to the first part of your question. Not only do I think this job is more public but I think it is also more complex. During the discussions about the job I began to do some charting of the TVO environment, and the TVO environment is quite simply one of the most complex environments I have seen. I actually did an environmental chart, looking at the various elements that make up the myriad communities and constituencies TVO has, and it is very complicated.

As for the question of why I would like to do it, there are two reasons. First, I think TVO is a great organization and I think it is tremendously important to the people of Ontario and I hope that through my efforts and the efforts of my colleagues we can enhance that organization. Second, it is an absolutely fascinating challenge, particularly at this time, with the kinds of changes in the broadcasting and educational environment, this particular time in TVOntario's life. It is an extraordinary challenge and it is a challenge I hope I can meet.

In terms of scrutiny, my sense is that through most of my career I have had a good deal of scrutiny. Certainly during the years at CBC I had a lot of scrutiny. I have also worked in the last eight years for an organization that within the magazine industry is known as one that is notoriously cheap, that we watch our pennies very carefully. I think it has been a very good training ground.

Mr McGuinty: Would you feel put upon, as if your privacy were being infringed, if somebody asked you specifically, "Mr Herrndorf, as chairman of TVO, what is your salary?"

1050

Mr Herrndorf: Listen, I have answered the question before. The ground rules under which I accepted this job were that I was completely open about the range within which this job fell, and that is public record. But I have to tell you that I am a professional. I come from a job in which I was professional; I go to a job in which I am professional. I am not a career public servant, and as such, it is a matter of some privacy. I have to tell you honestly that I would prefer to keep it on that basis.

Mr McGuinty: Let me just pursue that a little bit. It has been my feeling that sometimes fairness does not come into play in some of these matters in public life as politicians.

Mr Herrndorf: This is John Kennedy's line: Life is not fair.

Mr McGuinty: Yes, perhaps. I am somewhat intrigued. I can understand where you are coming from with saying you are a professional and you believe certain things should be held private, but I am just relating to you that I think there is generally a public expectation that they should know that.

Mr Farnan: Mr Chairman, on a point of information.

Mr Marchese: A point of order.

The Chair: Point of information, clarification, whatever, go ahead.

Mr Farnan: I think the record should show that the salary is basically accessible through the freedom of information. It is a range of salary and that is as things are. I think the pursuit of that line of questioning really is not very helpful.

The Chair: That does not sound like a question to me. It is a point of view and it is out of order. Go ahead, Mr McGuinty.

Mr Marchese: But, Mr Chair, if I can again on this.

The Chair: On what?

Mr Marchese: On this point.

The Chair: That is not a point. I just said it was not a point of order. Go ahead, Mr McGuinty.

Mr Marchese: But on a point of information, Mr Chair, if you would allow me.

The Chair: I will allow you a question, not a statement.

Mr Marchese: Under the freedom of information and privacy legislation no one is compelled to give exact salaries.

The Chair: That sounds like an interjection, which is not relevant and not a point of order. Go ahead, Mr McGuinty.

Mr McGuinty: You can correct me if I am wrong, Mr Herrndorf, but I do not recall ever asking you what it is that you are going to be paid. I recall talking about public expectation and what you would do if someone were to ask you that.

Mr Herrndorf: Let me just say as a last comment that I think you will find in our dealings over a number of years that, if anything, I will err on the side of too much disclosure in terms of TVO. As I say, it has been my understanding about this job that disclosure is limited to a range and I would be happy to talk to you about it after this. You may very well be able to persuade me that the approach I am taking is not the right one.

Mr McGuinty: No, I am just wondering where your mind is at in terms of that issue, that is all, Mr Herrndorf.

On another matter, I was talking about the difficulties TVO was facing at the present time as a result of activity in the chairman's office and expenditures made or authorized by your predecessor. What is your plan specifically to restore confidence in TVO? I think it was two weeks ago I was watching the acting chair, I believe, on a special program.

Mr Herrndorf: Yes, on the TVO viewer show.

Mr McGuinty: Exactly, and dealing with that issue and making efforts to assure the viewers that there was going to be some kind of a change, that things were being tightened up. I am wondering what you intend to do, because as I understand it, there is a fair reliance by TVO on public funding.

Mr Herrndorf: Absolutely.

Mr McGuinty: I understand it is \$4 million or something like that.

Mr Herrndorf: Yes, and as I said earlier, it is absolutely essential to the future of TVO that both the government and those members, those subscribers, believe in the integrity of our financial processes.

I guess the thing I will do on the first day I am there is to begin a quick review to make sure that the procedures, the practices that are in place, are good enough. In that process, I will be discussing them with the Provincial Auditor. I would like to get the Provincial Auditor's perspective on that because he has done a lot of work in this area, specifically, of course, in relation to TVO. I would like to get the perspective of David Galloway, the former chair of the finance committee, and Jim Head, the current chair of the finance committee of the TVO board, and get their sense of it. But it would be an immediate priority to satisfy myself so that I can go out here publicly and say, "I am satisfied that in fact we have the procedures and practices in place and that your money is being well spent and well managed."

Mr McGuinty: I understand you would do that, Mr Herrndorf, internally; you would make those kinds of inquiries and findings. But what about the public perception, and how would you convey that?

Mr Herrndorf: For example, three days after I start I will be going on that same TVO program you talked about and fielding phone calls from viewers, from subscribers, and I will convey those points. Over the course of the next year, my hope is to visit most of Ontario and to make those points in communities across Ontario and to make sure that people have confidence in TVO.

Mr McGuinty: Thank you very much.

The Chair: Mr Jackson, did you have a question?

Mr Jackson: Just a brief question, if I might. It has to do with the concept of the expansion of French-language services. This is more a labour question and how you envisage handling the concept of last hired, first fired when La Chaîne is in expansion and you are in a restraint mode for your overall programs. I know I had a conversation with Mr Ostry two years ago about this challenge. Technically it meant, within the collective agreements, that you had to lay off the francophones first because they were the largest single group of new hires.

Mr Herrndorf: Yes.

Mr Jackson: How are you going to approach that without undermining the integrity of your French-language programming and yet not have the trade unionists all over you?

Mr Herrndorf: The short answer to your question is that I am not sure yet. I have been in conversation with the leaders of the unions at TVO. I will be meeting with them literally the first day, and that will be part of what we have to talk about, because the conundrum that you point out is absolutely correct. Somehow we have to work our way through that.

Mr Jackson: As my daughter approaches French immersion—she is already addicted to Polka Dot Door—I expect to see continued good things in your children's French programming in this province.

Mr Herrndorf: I have two children in French immersion, so I understand.

Mr Jackson: Thank you very much.

Mrs Marland: Mr Herrndorf, you have obviously realized, from some of the questions this morning, that you face a very big challenge. You mentioned meeting with the Provincial Auditor, and when your appointment is endorsed by this committee you are walking into a situation that has an extremely damning auditor's report outstanding.

I am the person who initiated those questions in the House, and when I did, I asked the questions almost hoping the information I had was wrong. As you know, the questions I had ended up being the tip of the iceberg in terms of the information that then outflowed from the auditor's report.

1100

My concern is that TVO cannot survive without the public subscriptions and that the credibility of TVO as a whole was put at risk because of all the things in this report, everything from internal mismanagement and lack of financial overview to all the other details which I will not recall now because I know you are very familiar with them. But my concern, when you talk about getting the board's sense of it, which is what I think you said a few moments ago, is that after the Provincial Auditor's report came out and very clearly delineated all the areas of major concern, the present board at TVO then endorsed your predecessor, the chairman at that time. I do not think the current board has a sense of the gravity of that auditor's report. I am sure you have read the board's public endorsement of Mr Ostry, so I am a little bit concerned that you are going to take the board's sense of it when the board seemed to be very insensitive to the gravity of what the Provincial Auditor was saying. He actually was saying it is a mess, that there are grave areas of omission and that the public was not represented or protected by the practices that were currently going on in TVOntario.

Mr Herrndorf: It is a much larger subject, in terms of my responding to you. One of the difficulties I have coming to this fresh is that I have to be in a position where I hear all sides of this. I know the Provincial Auditor is somebody who is highly regarded and who has done a report. I also know that David Galloway, who I mentioned earlier, who is the president of Torstar Corp and was the chairman of the finance committee for a number of years, does not totally agree with everything that is in the auditor's report. One of the things I have to do is to sift through this. I have to hear all those perspectives. The pledge that I make to you is that I will be very much my own man in terms of those judgements. I will not be unduly swayed by what has gone before.

Mrs Marland: Am I out of time?

The Chair: You have another three minutes.

Mrs Marland: Thank you. I am encouraged, of course, to hear you say you will not be unduly swayed by what has gone before. But I hope, when you say that Mr Galloway does not totally agree with the auditor's report, that when you are on the inside of TVO and look at the auditor's report, you will recognize that the auditor's report was not done by one individual. It is so crucial to the

public to have the security of knowing that the Provincial Auditor is doing his or her job in whatever ministry-related agency, board or commission in Ontario with total lack of bias and being totally committed to the professionalism of that responsibility.

My concern is that when you are dealing with people who were on the board of TVO and who do have a bias, that separation is made by you. If I were on the board, naturally my bias would be to the board and to the people associated with it. The Provincial Auditor has no bias. The public's confidence in the whole system—Mr McGuinty mentioned the \$4 million the subscribers give. I am very concerned about the \$67 million or \$70 million the taxpayers give, apart from the public subscription. TVO actually gets upwards of \$80 million minimum from the taxpayers in this province, through voluntary subscription of \$3 million to \$4 million, and the rest of it in funding directly from the government. I hope that when you go in, you will commit to an unbiased investigation from your perspective and recognize where everybody is coming from.

Mr Herrndorf: Absolutely.

Mrs Marland: I know you probably would like to go in and be Mr Popular and be accepted, because it is tough to go into these jobs with existing boards and existing senior staff and administration.

Mr Herrndorf: I think the circumstances of this one may make it more difficult to go in and be Mr Popularity, so I agree with you. I have to say I agree with you totally about the credibility of the organization. It is absolutely indispensable, given the way the organization is funded.

The Chair: Thanks very much. That concludes the time we have allocated for this, Mr Herrndorf. We thank you for appearing this morning and wish you well with the challenges that lie ahead.

Mr Herrndorf: Thank you very much, Mr Chairman.

Incidentally, I have to tell you that in the last week I have read all the transcripts of—

The Chair: Mr Herrndorf, Mrs Marland, if I could ask you to perhaps carry on the conversation, and we will—

Mrs Marland: That is fine. We can find other places to talk.

PAUL LaFLEUR

The Chair: Our next witness is Mr Paul LaFleur. Mr LaFleur, would you like to come forward, please, and take a seat. Welcome to the committee.

Mr LaFleur: Good morning. It is a pleasure to be here.

The Chair: Mr LaFleur is an intended appointee as a member of the Regional Municipality of Halton Police Services Board. This is a half-hour review, 10 minutes to each party. You were selected for review by the third party, so I am going to look to Mr Jackson to lead off.

Mr Jackson: Thank you, Mr Chairman. Welcome, Paul.

Mr LaFleur: Good morning, Mr Jackson.

Mr Jackson: I wanted to share with you that we had the opportunity to interview Susan Eng two weeks ago as part of a more full program of review of the Metropolitan Toronto Police Services Board and so on. Several questions were asked about the nature of her appointment. She confirmed that she had been contacted by the Premier's office for the position and had in fact been contacted by the Premier's office for the chair's position. So I wanted to get into the concept of your interest in and your application for the position, if I may. Can you share with the committee how you happened to make application for the position?

Mr LaFleur: I was called to the bar in 1987 and have been a practising lawyer in Burlington since that time. Indeed, I have been practising or working in Burlington since 1985, and I shared some concerns about public policy. I was born in 1952. I became of age during the sixties. I protested—

Mr Jackson: I am sorry. We do have your résumé. I was asking how you came to make the formal application. I should have been more explicit. Were you contacted or did you contact the appointments secretariat?

Mr LaFleur: The contact was from my office. I wrote a letter expressing an interest in serving on the police services board.

Mr Jackson: Okay. They contacted you back and asked you for a complete résumé?

Mr LaFleur: They asked me for a résumé, yes. I think Andrew Mackenzie called me, or it might have been one of the other people from his office. I am not sure who it was.

Mr Jackson: We have a copy of your letter to Andrew Mackenzie. In it you note, "I currently practise some criminal law and, if required, I will cease practising in the area of criminal law." Was that a matter of a discussion you had with Mr Mackenzie prior to writing that letter or was this your own perception that there may be a conflict?

Mr LaFleur: I wanted to avoid any potential conflicts. I thought if it was a conflict, I would cease to practise in the area of criminal law, and I have indicated in the letter that I would do so.

Mr Jackson: We have a report before us from the appointments secretariat, and on page 12 of that report it indicates, "What would be the response if you discovered, in reviewing an intended appointee's background, a probability of conflict of interest?" We are then advised by the appointments secretariat that no formal process exists. "However, the following actions could be taken." At any time was this matter, the nature of the conflict, discussed, during the interview or at any time during the appointment secretariat's screening process?

1110

Mr LaFleur: No. I just think that defending people in criminal court, where you have potentially adverse interests with the police officers, is potential conflict. I think anyone can recognize that.

Mr Jackson: Yes. I respect you for identifying it. What I am concerned about is that the protocol is that, where no formal process exists, people in the Ministry of

the Solicitor General should have discussed it with you, and apparently they did not.

Mr LaFleur: They did.

Mr Jackson: I just asked you if there was any conversation with Mr Mackenzie regarding this issue of the conflict.

Mr LaFleur: I believe there were two or three conversations with Mr Mackenzie.

Mr Jackson: What understandings were achieved in those conversations?

Mr LaFleur: I indicated in writing that I would be prepared to forgo the portion of my practice that deals with criminal law.

Mr Jackson: Did they indicate that would be a condition they would apply, or that this was just a consideration? I am trying to ask who told you that this is what you should do.

Mr LaFleur: I think it was by mutual agreement.

Mr Jackson: Okay. Did you seek any legal opinion or did they offer any on that point?

Mr LaFleur: The only legal opinion I got was my own.

Mr Jackson: Okay, no problem. The point has been made that there are several examples in the Legislature of people who might profit after the fact of an appointment. The thesis goes something to the effect that, although you may separate yourself from the practising of criminal law, you put yourself in a very attractive position with criminals to do criminal law in that you now have had a two-, four-, six-year appointment to the police commission and have specific insights into police procedures, the nature and the efficacy of certain forensic testing, that all this insight would be made more acutely aware to you and that it could potentially afford you an opportunity which other criminal lawyers are seldom given in this province. Was that ever discussed, any aspects of life after your opportunities to serve on a police board?

Mr LaFleur: I do not believe it was.

Mr Jackson: If I might, I want to move to an article which—you had the opportunity to defend Steven Olah in the Fritch murder. There was some public commentary about the use of videotaping. Although I might even agree with some of your comments as it relates to the family, I was concerned about the fact that the newspaper article—and this is well back in the fall, before your interview—refers to the fact that “LaFleur, who also happens to be a candidate for the Halton police services board, plans to make an issue of police handling of videotaped evidence if he is appointed by the government.” I was quoting directly. My concern is your predisposition to going into a police board with a rather firm and stern view of police procedures, in the sense that you are actually bringing with you your criminal/legal perspective to the work of the police board. How do you respond to that?

Mr LaFleur: I was somewhat dismayed to discover that the police services board and, indeed, the Halton regional police do not have a policy regarding videotape and what

they do with the videotapes. This is the age of videotaping things that happen that can be potentially very damaging.

I would like to relate that issue back, Mr Jackson, because I know you feel very strongly about it as well, to the rights of victims. I just thought it was inappropriate for the police—I guess it was crown’s office, actually, that released it, but it ultimately came from the police department. December 20, five days before Christmas, we have Mrs Fritch and her family—and I believe I said that in the article—watching on tape, describing how their husband and father was killed. I can think of many examples, and I discussed this with a number of the officers. An eight-year-old at school could say to the young Fritch child, “I saw the guy who killed your father on TV.”

I think you have to demonstrate a clear public policy in releasing the videotape, and if there is a clear public policy in doing so, or a need, I would be all in favour of it. I do not think there is any public policy here in dictating that, and indeed there is no policy that I am aware of. I have spoken to a couple of senior officers on the force and they have told me that had never occurred to them.

Mr Jackson: I would agree with you on the point that there is some consternation about the crown attorney’s office and less so with the police, who felt that they were able to do so in so far as the crown attorney’s office had released the videos, but we will leave that for the moment.

I just wanted to discuss with you, if I may, the issue of employment equity. Again, this report talks in detail about employment equity and it identifies five groups: women, persons with disabilities, visible minorities, francophones and natives. In an examination of your application, you do not seem to fit comfortably into any of those, on the face of it. I understand there were quite a few applications for this position. Do you have any idea why perhaps your appointment would have come forward, when in fact it is not part of the employment equity guidelines?

Mr LaFleur: I am not a francophone?

Mr Jackson: Your résumé does not indicate that you are fluent in French-language services.

Mr LaFleur: Well, my father came from Gaspé, my grandmother lives in Quebec City. I certainly am a francophone and I speak French, although I speak family French. I have never been formally educated in French, but I can tell you, Mr Jackson, that the blood that flows through my veins is French blood.

Mr Jackson: That is very good to hear.

Mr LaFleur: My father would be very taken aback if I did not tell you that. I do not know much about the process. I just applied and I was given an interview, and here I am.

Mr Jackson: My final question has to do with the interviews. One of the comments on page 8 in this document on the process simply says that if the equity issues are not complied with, it goes on to say, “However, since the policy goals of the government may, in fact, be different from the policy goals of the opposition parties, the political aspect of any appointment is an inherent and necessary one.” Given that this is an open admission by the

appointments secretariat, we will ask you what we have asked everyone: Are you a member of a political party?

Mr LaFleur: Yes.

Mr Jackson: And that is?

Mr LaFleur: The New Democratic Party of Ontario.

Mr Jackson: Can I ask you—

The Chair: No, you cannot. Sorry, the time is up. We will move on to Mr Farnan. This is just a half-hour review. Thank you, Mr Jackson.

Mr Farnan: I would like you to comment on the general principles of the Police Services Act.

Mr LaFleur: I think the police services should reflect the community and its goals and wishes for a safe and secure environment for people to live in. I think probably most of the committee will not know that in Halton the police chief is Chief Harding, who is probably one of the best police chiefs in Ontario. I support a lot of his policies and programs. He is very open and accessible. I also support his goal of more community-based policing as being a goal that is enviable and attainable.

Mr Farnan: A couple of issues have been prominent. Do you have any views on the political activity of police officers?

Mr LaFleur: I guess in one regard you would like to have everybody who lives in a free and democratic society have his own rights to the political process. I can remember having a discussion with a judge about his not being on the voters list and how he could not vote in the election, and I thought that was such a fundamental freedom that we have all fought so hard for.

I do not really have an opinion one way or the other about that. I accept there is argument on both sides there. One of them is that he may stop a candidate whom he may have some personal animosity for, and I suppose that may come out. On the other hand, I guess they have a right to participate in the democratic process. So I think there are two sides of the coin; I could not prejudge that issue one way or the other, in all honesty.

1120

Mr Farnan: With regard to the use of deadly force by police officers, Chief Harding, whom you referred to earlier, has a campaign to have section 25(4) of the Criminal Code repealed. You are probably familiar with that. Are you familiar with this issue and do you have any comment on it?

Mr LaFleur: I am not as familiar with the issue as I would like to be. That is a fairly recent development by Chief Harding. I think the police should be controlled and should play by the same rules as everyone else, so I would probably favour removal of the use of deadly force exceptions.

Mr Farnan: You commented on community policing. Would you like to elaborate on that, if you have any insights? It is indeed true that the Halton force has been a pioneer in this area under the leadership of Chief Harding. Would you like to comment on community policing and perhaps some vision you might have for it?

Mr LaFleur: Community policing is really an outreach program. I think it demystifies the policy officers and makes them and the citizens of the community communicate. It is a lot easier to talk to a police officer when you see him. We have some on mountain bikes in downtown Burlington, or walking a foot patrol. That is the type of stuff you see in the movies these days. You never seem to see enough of that, I think, in real life. Get to know the people you are protecting. I think that demystifies it. I think if we get more interaction between the community and the police officers, we will have a better police force.

Mr Farnan: As to the future of the Halton regional police force, a blueprint has been drawn. How do you see that blueprint?

Mr LaFleur: I have not read the blueprint, to be honest with you. I just know that I have a great deal of respect for the Halton police force, both as a citizen of Halton as well as a practising attorney in the area. I think they are doing a good job now and I do not think there are any dramatic changes that I would anticipate. I do not know what the report says about changes, but that is the best I can answer that question for you.

Mr Farnan: I would just like to finish with a comment. When we are talking about providing opportunities for groups, francophones, etc, within the force, it would not mitigate against non-minority groups being presented as candidates. I think perhaps there may have been a little bit of a misunderstanding in the way the question was presented. I am not sure if Cam actually intended that. I know he did not, but I would like to make it very clear that obviously I think the purpose of this is to make sure we get the best people at every level, whether it is as police officers or as commissioners.

Mr Marchese: Some quick questions, M. LaFleur. One of the things you talked about in terms of community-based policing is something that is of interest to me and that will help a great deal in terms of the relationship that is built between police and communities. That in itself will not deal with some of the race relations problems that might exist between communities and the police force. I think the black community, in particular, has some strong feelings about this.

Beyond community-based policing, I think more needs to go on, and I am presuming that you would agree there has to be a great deal of race relations training that has to happen from the bottom all the way to the top, and I would presume that you are committed to that.

Mr LaFleur: Yes. There are a number of recent immigrants to Canada living in Halton, and I know from experience that they have some problems understanding the police and their role in society when they come from a different country that has a totally different role. It may be necessary for the police officers to be aware of that. I can think of one person who actually thought lawyers were paid for by the government and they were not in his favour, and he was worried that the police officers were like the police officers in the country he came from. Police officers have to be aware of that.

I also think the force should reflect the community in the cultural, social and ethnic makeup of the community. I think Chief Harding is on board 100% on that. I look forward to working with him on that.

Mr Marchese: As much as I am interested as the others in terms of finding the best candidates, I am particularly committed to the whole idea of employment equity because, traditionally, the groups that were identified have been excluded from positions of responsibility. That is something I want to see continue to be developed, so that we do see women in the force and in positions of responsibility, so that we do see visible minorities as policemen or women, and also in positions of responsibility, and natives and francophones as well. That is the whole notion of employment equity that I think we need to work at aggressively, otherwise the principle will not mean anything. What do you think?

Mr LaFleur: I agree with that. I think Chief Harding is in support of that as well. He has been one of the leaders of the police chiefs of Ontario, in my estimation, and certainly in the minds of others. The community is the police force and the police force is the community, and it ought to reflect that. We ought to work towards that goal. I certainly have no problem with that whatsoever.

Mr Marchese: Okay. Thanks.

The Chair: Nothing else on the government side? Mr Grandmaître.

Mr Grandmaître: Just a few short questions. And if I may, I know Mr Jackson has a number of questions, so I would like to relinquish my time to Mr Jackson, because none of my members have any questions.

Mr McGuinty: That is for future considerations, of course.

Mr Grandmaître: Absolutely, in exchange for future consideration.

The Chair: I thought you had already looked after that.

Mr Grandmaître: As a practising attorney in the Halton area, Mr LaFleur, and having a preset mind, I think you understand your community very well and you understand the responsibilities or the functions of the police services board. Do you see your appointment as a popular one or unpopular?

Mr LaFleur: Mr Jackson referred to the article in the paper. I have been quoted in the paper on a number of occasions. I received a half dozen phone calls about that, about what I said in the paper, all supportive of me, indicating that I am relatively well liked by all members of the area, including the police, including the bar in Halton. I have discussed the matter with a couple of what I consider to be people who have some standing, such as Mr Kerr, the former member, and he supports my application. The mayor of Burlington supports my application. I have not heard anybody say they do not support my application.

Mr Grandmaître: You will soon find out.

Mr LaFleur: I guess you discovered not everybody voted for you too, and that was somewhat disturbing.

I suppose not everybody would support me, but there are a number of lawyers who are active in it, and I do know a little bit about the criminal justice system. Maybe a little bit of knowledge is a dangerous thing, but I happen to think that I am not going to prejudge a lot of the issues. I happen to know how the system operates from start to finish. I have got the picture in the courtroom. I have got the picture on the doorstep, the scene of the crime, after the court, the victims. I understand those issues very well. I am not going to spend any time trying to figure out the problems that are out there. As far as the solutions are concerned, I think I have to work within the system to do those.

Mr Grandmaître: Having a preset mind, though, do you not think you will be perceived as, "We've got to be on the lookout for this guy"?

Mr LaFleur: Preset on what particular matter?

Mr Grandmaître: Well, knowing the system. Simply the fact that you have been around and you know. You feel very confident that you will be a competent member of this police services board. I think you do have a preset mind about policing and your community.

Mr LaFleur: I do not think I have all the answers or all the solutions to all the problems in life. I discovered that a long time ago.

Mr Grandmaître: No, because you would be elected if you did.

Mr LaFleur: I cannot prejudge. I have to trust my judgement on things. I guess we all bring our background and that is how we arrive at our decision-making process. But I am not going to run the police department or anything like that. That is not my function on the system. I am one member of a five-member board.

Mr Grandmaître: Just a word of caution, I have tried and I have failed, so good luck to you.

1130

The Chair: Mr Jackson, a little over six minutes.

Mr Jackson: One of the trends we are noticing in the applications coming before us, and we have 130 different boards and we see the routine applications, is that there have been some appointments that are clear on the face of them, such as a woman who had worked in a rape crisis centre or in a shelter and was now having an opportunity to serve on a board.

We are seeing a lot of trade unionists and I have read your résumé with interest, that you have a trade unionist background, which is great, but there are some considerations for our police services board as they relate around the trade union question. Several police officers in the last municipal election said they were going to vote for Walter because they thought he would be more supportive of the labour issues at the police board, and since Walter and our mayor are NDPers I am not surprised that he would look favourably upon your application.

But I now want to tie this back into the interviewing process. I understand that you were interviewed, as you said, by Andrew Mackenzie. I called Andrew this morning and he told me that there were 15 to 20 applications for the

position, that they were short-listed to four, and that there were two women and two men who were phone-interviewed. Now, I know Andrew Mackenzie because I have worked with him. He is Bob Mackenzie's son, and I have worked with him on some challenges in the Hamilton area with the trade unionist movement, as he is a prominent trade unionist. Do you think it is coincidence that Andrew Mackenzie did your interview and presented your selection? You have a lot of commonalities in your biographies, from party membership to trade affiliation.

Mr LaFleur: I can tell you I had never met Andrew Mackenzie or ever heard of him, never knew him until he phoned me. I have subsequently met him on a couple of other occasions, including this morning; he showed me where the room was and stuff. But he called me. I never even knew who he was. I mean, when he called I recognized the name, but do not forget now that I had only been in Burlington since 1985, so I do not know much about the Mackenzie dynasty.

Mr Jackson: Five years may be an important date for the duration of that dynasty.

The point I want to suggest to you is that my colleagues in the first party have talked about community-based police services, and you will know that Halton has been able to provide those services because it has removed more officers from positions and has perhaps the highest ratio of civilian support services. This has caused a double-edged sword in our police services board, because on the one hand that is where we get the money to extend our community-based programming with police officers, because we are using a lot more civilian personnel at a lot fewer salary dollars than some service boards that are staffed by police officers who are on the higher pension and the higher benefits and the higher salaries.

It is one thing to say we will be supportive, but last night in the paper we just had to drop \$9 or \$10 million from the budget of our local police services board. I am just concerned that perhaps you may be predisposed to look at salary grids over service delivery. I wonder if you wish to comment about that area, because it is at the crux of how we are able to afford to provide extended community-based servicing, because we are able to hire paraprofessionals as civilian support staff in very large numbers in our police services board.

Mr LaFleur: I think we have to look at cost-effective policing. It has to be justified and cost-effective. If it is working with the existing officers, because ultimately they are the ones that are out there on the point, and I think we can work with them and give them the support and assistance they need in order to achieve the goal. Other than that, it has to be cost-effective. If that is one of the ways of achieving it, with the cooperation of the police and the cooperation of the community, because you have to have those people who want to do that type of work too, then I think it is a goal that should be looked at.

Mr Jackson: Mr Chairman, I appreciate Mr LaFleur's candour and appreciate his presence here today before the committee. Thank you.

The Chair: Thanks very much, Mr LaFleur.

Mr Farnan: Can I ask a question?

The Chair: No, you have used up your time, unless some other party wants to give you time. There is a minute and a half left.

Mr Farnan: It is just a brief question that follows up on what Mr Jackson was saying. The Ontario Police Commission has a real stress on training for police services board members. Are you willing to cooperate with that kind of training and to make yourself available for that kind of training by your provincial board?

Mr LaFleur: Absolutely. I would look upon it as personal growth. That is one of the reasons I am applying.

Before I go, I would like to thank the committee for allowing this opportunity to speak to you. It is a new process for me. I do not usually apply for many things. I also took the opportunity of bringing my wife Linda here and I want to thank her for coming and introduce her to the committee. I also took the opportunity of inviting the press here because I think it is important that the people of Halton get to understand the process and some of the things that were talked about here today.

The Chair: Thank you, Mr LaFleur. We appreciate your appearance. We wish you well.

WILLIAM ROBERT WIGHTMAN

The Chair: Our final witness for this morning is Mr William Wightman, the intended appointee to the Huronia Historical Advisory Council. Mr Wightman, would you like to come forward, please. Take a seat. Welcome to the committee, sir. You have been selected for a half hour review by the third party. Mr McLean, would you like to lead off?

Mr McLean: Welcome, Mr Wightman. Are you familiar with Huron Park?

Mr Wightman: Yes, I have been around it very frequently, since I was in high school, as a matter of fact.

Mr McLean: There is supposed to be a member from the University of Western Ontario on the advisory council, is that right?

Mr Wightman: My understanding is there has traditionally been one since 1964, yes.

Mr McLean: What is your interest in it? Are you retired now or are you still teaching?

Mr Wightman: No. I suppose I could answer that at three levels.

The Chair: I am wondering if I could encourage the other members, if they want to carry on a conversation, to do it elsewhere. I think it is very distracting to both the witness and the questioner.

Mr Wightman: I suppose the first thing is that if you are a university professor, your chance to play your role in the community is somewhat circumscribed, because half the community expects you to say something brilliant and the other half expects you to fall on your face, and neither one really wants to trust you with anything very serious. So an opportunity like this falls within my professional competence. It is, as far as I am concerned, an excellent chance for me to serve Ontario or, if you would like, to

serve Ontario historically. The third thing is, quite frankly, that Huronia is an area which I grew up having contact with—so have my children—and I would look forward to the experience.

Mr McLean: Do you have a summer home there?

Mr Wightman: No, my summer home is on Manitoulin, actually.

Mr McLean: What is your interest in Huronia? You live in London?

Mr Wightman: Yes. I am an historical geographer. My prime field of interest is Ontario before Confederation, and although my interest does not extend back to the French period in all that much depth, it is certainly there. I think I have a better-than-average lay knowledge of the Huronia site dating back to the 1940s, the things that were written at that time and some of the earlier.

The second thing is that since the mid-1970s I have been particularly interested in the northern part of our province. A recent book, about 1980 I guess, on the historical development of Manitoulin Island ties into this, because of course it was closely tied administratively at some stages with Penetang and the establishment, and then later with the development of that part of the countryside.

1140

Mr McLean: A lot of history there. I was born and raised on the old Penetanguishene Road and still own a farm on it, so I am well aware of the history. Are you aware of any recommendations that the advisory council has made to the minister? Have they made any in the last four or five years that you are aware of?

Mr Marchese: Any recommendations?

Mr McLean: Yes, that is what their job is, and I am wondering what they are.

Mr Wightman: In that respect I suppose you can say that in their support of and promotion of the recent market analysis, 1990, and also in their very strong contribution—Pleva being one, I believe; Mr Delaney being another—into the document we call the vision for the establishment, they made rather remarkable input, as a matter of fact. Reading through the minutes, which is what I have been doing on occasion, I find that a long argument over stop-lights stymied me. I did not know where we were coming from or going on that one. I think some of their work with reference to the refocusing of the establishment is extremely important.

Mr McLean: Did they have input into what took place at the naval establishment?

Mr Wightman: Having seen preliminary drafts of the report that were pretty well scrawled up in two or three sets of handwriting, I believe several people had contributed considerably to what the consultant company was told. I read Dr Pleva's copy of the draft and I was really quite interested in seeing what the marginalia were. I have known his handwriting for a long time and it was not all his.

Mr McLean: I do not know who recommended that they leave the air-conditioning out of that new place, but it is going to be replaced this year, I understand, through the

Ministry of Tourism and Recreation. They are fulfilling a commitment to put that in, if I understand.

Mr Waters: No comment.

Mr McLean: Have you been in the new facility?

Mr Wightman: I have not, actually. To be honest with you, for the last four or five years my wife and I—we are co-authors on a book on northwestern Ontario—have been going and living in canvas west of Sault Ste Marie as of May 24 and not coming back until Labour Day, so the open season has been very largely lost. I guess the last time I was on the site was when I had occasion to go to Port McNicoll to visit an old friend there. I dropped down through the site, but I did not have time; I was trying to get back to London the same day.

Mr McLean: I would like to hear your comments with regard to promoting tourism. They are great facilities. I understand that some of the bus companies are trying to work in two-day tours where they can stay overnight. What would you like to see happen so that we could get more facilities there for tourist attractions? Is there anything that you have in mind that you would like to accomplish?

Mr Wightman: One of the points is that although we have these concepts, and we share with the Americans as well on Great Lakes circle tours, the problem is that on the Georgian Bay circle tour, which is via the Chi-Cheemaun to Manitoulin, around by Sudbury and down, or done the other way, no one ever goes to the Georgian Bay shoreline because they are either coming out from Toronto or going back to it. I do not know how you get around that one. Let's say that is a problem that is going to take a good deal of thinking.

Another thing is that, by chance, by happenstance, if you like, the two prime resources in that area, Ste-Marie-Among-the-Hurons and the establishment—I do not wish to sound critical because I do not mean it that way, but my own impression is that it is like trying to compare an orange with a bicycle chain; I mean, they are not the same thing. There may be questions as to whether they can be marketed together or need to be marketed separately. If you look at the establishment, or establishments, I think the move to emphasize the naval half is very good because that was indeed the way the British military saw it. When it became a land-based military establishment it grew very quiet, not a great many things happened and an awful lot of people essentially vegetated there from what, 1830 to 1856? Something like that.

I note at the same time that very little has been made of the importance of that establishment, not just at the time of the War of 1812 but afterwards, in the administration of the upper lakes, whether that involved fur, Indian affairs or the simple movement of people. The fur trade out of Penetanguishene, I know from my own documentary work, controlled things right up through to the Sault. It was the traders there who spawned people elsewhere.

Perhaps the notion that also needs to be built is the notion of the Penetang community, which was quite varied. There were a lot of French Canadians who came down with the traders from Drummond Island and so on and based the community, or were the community. There were

the fur trade and the military all going on there at the same time, right up into the near-Confederation years.

Mr Waters: Obviously I do not have to ask you if you know anything about the site; I think that has been quite well established. Mr McLean hinted or talked about the reports to the minister. Do you see your strength—because when I look at your CV, I see a lot of strength in history—putting pressure on more frequent reports to and more discussion with the ministry as to the establishments and Ste Marie?

Mr Wightman: Here you catch me of course in my weakness, in that, other than one or two members of the council, I am not particularly familiar with its membership.

Mr Waters: But would you be [inaudible] to the council?

Mr Wightman: Yes, I think I would.

Mr Waters: I will only ask one other thing, and that is, out of all of this, which is so unbelievable I am amazed, what would you pick as the strong point you would be bringing with you to assist Huronia?

Mr Wightman: The first thing, although it is not most recent, is that I do have experience in this kind of capacity. I have been a member of the board of governors for the University of Western Ontario. I have just stepped down from the board of governors, or at least the governing body, for the London Symphony Orchestra. I have worked with the library and museum system of the city of London in that same capacity. So the kind of thing I work with is not going to be totally novel.

I am not a novice either in—I do not know whether you would so call it—the art of advertising, but back about 1978 I complained loudly about the way Western was being advertised, as a kind of cross between a gymnasium and a large swimming pool with the occasional lecture on the side, and was promptly chosen by the president to head up revision of the whole liaison package. So marketing things is not new to me either.

Academically, my greatest interest has always, to date at any rate, centred on Georgian Bay and Lake Huron, so I am quite familiar with the marine side of things. I have one publication, I guess it was about 12 months ago, a full review of all the Canadian steamships and steamer routes above Sarnia, and of course places like Penetang, Midland and particularly Collingwood.

Mr Waters: You probably have some charts I could use.

Mr Wightman: I might; I have most of those. Academically, my interest in the upper lakes is pretty well established. Recently I have been doing a fair amount of work with Indian groups and also with the Attorney General's office on some of the land claims stuff. I find that fascinating as well.

Mr Waters: I have one other question. Because Mr McLean and I both represent half of Huronia, one of the things that I find fascinating about Huronia—being in the Ministry of Tourism and Recreation myself, I have been racking my brains to figure out a way to draw people off

the water. Georgian Bay is probably one of the most populated areas for pleasure boating there is in the province. We have two key tourism attractions, both accessible by water, and yet we do not seem to be able to draw people off the lake. I was wondering if you had any ideas. I know it is not a fair question at this time, but it is something I would not mind hearing.

1150

Mr Wightman: What if you went to—I cannot remember what exactly they call themselves—the Great Lakes yachting or touring club?

Mr Brown: The Great Lakes Cruising Club.

Mr Wightman: After all, both Gore Bay and Tobermory on the north side of Manitoulin have been capitalizing on holding their prime event every year. Gore Bay has a population of 750 people and there must be about 4,000 turn up that weekend. The harbour is just stuffed with power boats and sailboats. They are usually looking for someplace new to go. Unfortunately, a lot of them are tied to the habit of start in Chicago, go to Mackinac, go from Mackinac along the north channel, which they of course enjoy, and then come down, curving either through the Strawberry channel and down to Tobermory or perhaps getting as far as Collingwood. Why not encourage them to make Penetang and Midland the other end of the route?

Mr Waters: The best harbour on the bay, right?

Mr Wightman: I have heard that said, yes.

Mr Waters: I think that was one of the reasons it was chosen.

Mr Wightman: They have their own magazine and they do their own publicity. They come to town and they certainly spend, if the community is on its toes.

Mr Marchese: I am presuming that many of the sites that are there would be of interest to many people in Ontario, to Canadians and other people, Americans presumably. Do you know how many people come through the area? Are there many people who visit?

Mr Wightman: Do you mean boating or do you mean visiting the area?

Mr Marchese: Visiting Ste Marie or the historical naval and military base, Huronia in general.

Mr Wightman: What are we talking about, 220,000 visitors in 1990 for Ste Marie? The figures for the establishments are not as high because they have not been going as long. They have not received the same publicity in the school system, for example. I think we are now beginning to benefit at Ste Marie in the same way my children did, in that I was there as a kid and therefore, when they grew up, I took them. I do not know how much higher you could get that. I do know, from what I have done in northwestern Ontario in recent years, that there have been very considerable retreats in the numbers of tourists, just absolute numbers. Beyond that, I do not know.

Mr Waters: Can I get a quick supplementary?

The Chair: Sure.

Mr Waters: Would you be in favour of enhancing the school program at Ste Marie and the establishments?

Mr Wightman: Probably. To be honest with you, I do not know the school program in real detail, as it runs now. I know that if it was running when my children were in public school or the junior end of high school, it was not through that program that they got to know the site. They did through their parents. I do not feel competent to comment, I really do not.

Mr Marchese: You commented on marketing or advertising. You talked about some of your experience. Would you say that we have marketed the area or those sites well or badly, or have not done as good a job as we need to do and that is one of the areas that obviously you want to pursue?

Mr Wightman: Yes, the one thing that struck me when I read the terms of reference for the council was that on the one hand we were talking about two distinct sets of sites and at the same time we were talking about almost anything else that applied to the larger scene of what was being called Old Huronia. I think the three points mentioned were Barrie, Collingwood and Orillia. You know, a place and an area are not the same thing. I am not at all sure that the concept of the overall advantage of Huronia, which is obviously quite a proper philosophy and quite an appropriate thrust in tourism, can be marketed at the same time that you are trying to market—because that is summer/winter recreation, that is a whole pile of things—at the same time as you are trying to point out the importance of two elements of cultural history.

Mr Farnan: What would be the percentage of repeat visits to this area and what could be done to get those return visits? I think the most successful tourism areas are those that can bring people back after having an initial experience.

Mr Wightman: I was rather surprised at what a proportion of the figure the return visits for Ste-Marie-Among-the-Hurons was. I had not anticipated that it would be that high. I began to appreciate why when I began to look at where these people came from, because there is a tremendous regional interest. That is what really shows up. It is the amount of regional and local support that really swells that return figure.

If you could get that kind of return out of people who are setting out on a Friday afternoon from Toronto, let's say, not quite sure where they are going but they know they are going to stop at Cookstown and do a little antique shopping, and they are going to stay in Barrie that night because they have a favourite hotel, you could begin to generate first-comers in that sense. My guess is that if they had a good time, the next year they would be back with their next-door neighbours or their relatives or something of the kind. It strikes me as being an excellent opportunity to work on the Toronto market because it is even within a day's travel if you want to get up in the morning.

Mr Farnan: There are a few places in southern Ontario besides Toronto.

Mr Wightman: That is true. Unfortunately they are not all armed with Highway 400 heading straight for them.

Mr Brown: I guess I have some interest in this just because of one of the asides you had—well, not just be-

cause of one of the asides but because I happen to be the MPP representing Manitoulin.

Mr Wightman: I had that idea. It seems to me I have seen your picture rather recently in the paper.

Mr Brown: I also happen to have gone to Western and happen to have a degree in history from Western.

Mr Wightman: There we go.

Mr Brown: So there you go. Many of the questions that are revolving around here from Mr McLean and Mr Waters are questions that are asked in my riding about things in my riding and they seem to be, how do you get people to stop and how can you get people interested in the local history, etc? We have had a lot of questions about tourism and how history can play into that, how you can popularize history, and at the same time maintain the integrity of the history. I for one am occasionally dismayed, maybe more than occasionally, by the representations about what an era might have been like; it is perhaps a little bit more attractive to the tourist to portray it that way rather than what really went on. I would like to hear some of your views.

Mr Wightman: One of the things that would come quite naturally to me is a tendency to argue against anything that misrepresents, if you like, or destroys, the integrity of the experience. I have seen, like yourself I am sure, a good number of examples of this kind of thing done well in the United States, but I have also seen some of the most incredible things portrayed as history.

I do not see myself as being alone in that. I would think that people chosen for this particular committee bring to the job a number of skills I do not have that I can work with. Perhaps my particular strength is being able to say, "No, we can't quite do it that way if we're going to," but I know exactly what you are talking about. There is no doubt about that.

Mr Brown: There is always this difficulty in history, between popularizing it to the point that it appears interesting and in false generalization. What I guess I am looking for is a commitment that we would popularize it but maintain its credibility, because both things have to happen. If people do not understand it, do not know anything about it, that is bad too. One of the things I think we in this province have been very bad at over the years is talking about what Ontario really has been, how we developed in this whole period. Unfortunately many people understand some American states far better than they happen to understand our own heritage.

Mr Wightman: Yes, I think that is true. I am also a great believer that hands-on representation, if you like, or visual representation, not only for youngsters but for adults, is an excellent way to bring some of this home to them. You can bring a lot of technology, for example, home to people this way because they can simply stand there and see how it works or run the handles or do something of that kind. I do not think that has to be limited to museum presentations. I think a lot of that can virtually be relics of the past right there in front of you. You can walk through the door and you can see and understand the limitations, that there was no glass in those windows, and there should not be. Yes, I understand all right.

The Chair: Mr McGuinty, do you have any questions of the witness?

Mr McGuinty: No.

The Chair: That really concludes the questioning then, Mr Wightman. We much appreciate your appearance here today and wish you well.

Mr Wightman: Thank you. Like most university professors I like to talk, so I have enjoyed myself too.

The Chair: Thanks again and good luck. That does it for this morning, members. We will break and we will be back here at 2 o'clock.

The committee recessed at 1201.

AFTERNOON SITTING

The committee resumed at 1406.

JUDY L. REBICK

The Chair: Our first witness this afternoon is Ms Judy Rebick, who is an intended appointee to the Ontario Judicial Council. Ms Rebick, would you like to come forward, please, and have a seat. Welcome to the committee. This is a half-hour review, with each party having 10 minutes to pose questions and hear your responses. We are going to begin with Mr McLean.

Mr McLean: Welcome to the committee, Judy. You are a busy woman. Can you tell me how you believe you have time to serve on this very important Ontario Judicial Council?

Ms Rebick: I have spoken to Doris Anderson, who is an outgoing member of the committee, and the time involved, as she told me, is that there is a half-day-a-month meeting and then there is reading time, and I definitely feel that I can devote that much time. It is an area of a fair bit of priority for me. I think it is a very important position and I am very honoured that the Attorney General has asked me to serve on it. I can make the time to do it. I actually think that my time is flexible.

Mr McLean: This will be reviewing the appointment of judges and that type of thing?

Ms Rebick: Yes, that is right.

Mr McLean: Some years ago you were a very vocal supporter of Dr Morgentaler. I am wondering if your ability in dealing on this council will be impaired by the strong stance you took at that time.

Ms Rebick: I am not sure I understand the question.

Mr McLean: If a judge was brought before the council on a complaint that he was malicious and biased in his judgement against Dr Morgentaler, how would you demonstrate an impartial stance in your deliberations as a council member?

Ms Rebick: I think everyone in society has strong views on various issues. When you are on a council like this you are required to put aside any personal strong views you might have to look at the facts of the situation and judge them impartially. I think I am quite able to do that.

Mr McLean: Can you describe for me your perspective on Canadian society and the legal system today?

Ms Rebick: How much time do I have?

Mr Jackson: Thirty words or less, Judy.

Ms Rebick: I think we need fundamental reforms to our judicial system. There is a strong feeling in large groups of society that the judicial system is not fair to them. I speak here of women. Many women who deal with the judicial system as victims of violence feel that the judicial system is not sufficiently sensitive to their needs in the situation. Many minorities and aboriginal people also feel that there needs to be a fundamental reform so that they can get a fair shake.

In the short form, I would like to see some fundamental changes in terms of affirmative action in appointing judges, in terms of a more accountable system of appointing judges, especially with the Charter of Rights and Freedoms. I feel that our judges have more and more power in society and that it is necessary to make them more accountable in various ways. So I would like to see some pretty important reforms to the system.

Mr McLean: There has been a study done entitled Court Reform in Canada. Have you had an opportunity to review that study or have a look at it?

Ms Rebick: No.

Mr McLean: Should the government formally adopt an affirmative action program for appointments?

Ms Rebick: Yes, I believe they should.

Mr McLean: I have a letter here from an individual who wanted to hire somebody and he wanted to make an application. He was told that they would look more favourably upon his application if he hired a woman. Is that part of the—

Ms Rebick: I am sorry, but could you repeat that? I did not quite understand that.

Mr McLean: He would have a better chance of getting funding to hire somebody if he hired a female.

Ms Rebick: Is this an employee of the government?

Mr McLean: No. It is an individual who wanted to hire somebody and wanted to get some funds from the government. It was indicated that if he hired a female he would have a better chance of getting the money. Do you agree with that stance?

Ms Rebick: I cannot comment on the specific situation but I certainly agree with contract compliance, that is, that employment equity plans should be part of the conditions under which the government grants contracts to companies. If that is what is involved here, then I would not word it in the way you have worded it, but I certainly think the government could use its funding or contract powers to ensure that employment equity occurs in the companies to which it is giving money. So yes.

Mr McLean: So then if the letter was reversed and said, "We would provide you funding if you hired a male," would you find that acceptable in the same situation?

Ms Rebick: I did not say that I found the letter acceptable, because I have to see the letter. I do support contract compliance. I support the government using its funding powers to ensure that companies are implementing employment equity. The problem we have in our society is that women, minorities, disabled people and aboriginal people have faced discrimination over the years and employment equity is about changing that and giving them, a fair shake. If the government can use its funding powers to do that, I strongly support that.

Mr McLean: Then where does equal rights for all come in? You are saying it is not equal rights for all.

Ms Rebick: I think the Supreme Court of Canada has been very clear, and it is a view that I agree with, that equality does not mean treating everyone the same way. Putting a ramp up to the Legislature is not treating everyone the same way. It is taking a special measure to ensure disabled people have access. Similarly, with men and women, treating them the same way does not ensure equality. We have to take, for example, measures like child care, pregnancy leave and training for women who have been out of the workforce. These are special measures to ensure that women and men can ultimately be equal. So equal rights for all, to me, means understanding that certain people are starting back from the starting line, if you want, and need some special help to catch up.

Mr McLean: One final question then. Rights for victims: Can you give me your opinion on that?

Ms Rebick: I do not have strong views on that issue. I would like to learn more about it. Certainly the area where I have been most involved is in terms of victims of sexual assault, and I have been involved in consultations with the Department of Justice on the importance of recognizing the special situation of victims of sexual assault. Now we have a draft bill at the federal level which actually does recognize the rights of the victim in the bill, and I am very supportive of that bill. In general, I would not want to express an opinion right now.

Mr McLean: How much time do we have left?

The Chair: About three minutes.

Mr McLean: I will use one more of them and I will leave my colleague a couple. The compensation board: I was here when we were dealing with that commission at one time with regard to paying out compensation for people who were abused or hurt. Do you have any views on how that board is operating today?

Ms Rebick: I am not familiar with it.

Mr McLean: Thank you.

Mr Jackson: About four years ago, I took a resolution to the house with respect to comments by a Justice Vannini and his offensive commentary in his court rulings and asked for certain reforms to occur immediately with respect to judges and their selection and their training. The Attorney General of the day said that was not his purview. The current Attorney General has indicated he did not feel it was his mandate to be proactive in that regard. I disagree with both gentlemen and I wonder how you feel about judges who are currently on the bench whose language in their verdicts is sexist and inappropriate, and to what extent you would advocating for changes. Then I have a follow-up question to that.

Ms Rebick: I have been involved in advocating for mandatory judicial education on issues of sexism and racism. I think that it is very important. I reject the arguments of the Justice Minister and the Attorney General that it violates judicial independence. I think there is an inherent bias, as Bertha Wilson has said, of sexism in our judicial system, and mandatory education is just a way of changing that bias. So I am very strongly in favour of that and also in terms of appointment of judges. I believe that especially

higher court judges should go through some sort of public appointment process. I do not want to see the kind of circus they have in the United States but, on the other hand, we do not know anything about our judges when they are appointed and they have a lot of power right now.

Mr Jackson: Your current appointment is coming from the Attorney General, who disagrees with me on this point and who may not totally share your opinions. I notice in your bio that you were an NDP candidate in the Oriole riding and I assume you have maintained your membership as a good party member. To what extent will you be able to maintain your independence when so many people are counting on you to bring this new approach to this panel when in fact your relationships are very strongly linked to the current Attorney General? I think that is a fair question to ask given the concerns I have for judicial reform, which I try not to make partisan, but you are caught in a partisan question.

Ms Rebick: Not really. I am the president of the National Action Committee on the Status of Women. As such, I am required to be non-partisan in my role, and I have been quite non-partisan. I have been critical of the NDP government on a number of issues and I have no problem being critical on this issue. I feel very strongly that we need judicial reform. If the Attorney General does not agree with that, it will not prevent me from expressing my views.

Mr Jackson: I will send you some information on victims' rights bills because, again, the government does not agree with the position as it relates to women who are victims of violence. So I will send that information to you in the hope that you can see its context in terms of judicial reform.

Ms Rebick: I appreciate that.

Mr Farnan: I was interested, Judy, in your comments in terms of—I do not know whether you would phrase it this way—education for the judiciary. Recently, visiting England, I was interested to learn that there was some form of education, in terms of the judiciary, in trying to find not just a sensitivity, but also a balance in sentencing so that there was a more even reflection across the country. Indeed, in terms of the corrections system, it was educating judges on the value of community corrections and so there was a more even application across the country. Could you elaborate more on your thoughts in terms of reforms or improvements that might take place within that area?

Ms Rebick: I believe we need a lot more education of the judiciary, particularly in these modern times, if you want, and that particularly education in relation to sexism and racism should be mandatory, because part of the problem we have now is there are educational programs available but they are voluntary. The judge decides himself or herself whether to attend. The problem with that is, of course, probably the judges who are the worst offenders do not want to attend. They do not recognize themselves that there is a problem.

I think that under the rubric of independence of the judiciary has been a lot of excuse-making for not appreciating

the necessity of more education and better education for judges. Again, I go back to the point I made before, which is, with the Charter of Rights and Freedoms and the way it has been interpreted by the Supreme Court, judges have become very powerful figures in society. I believe society and governments have responsibility to ensure that there is a fair application of the law, and that means, I think, ongoing education. As you point out, to make sure that there are some sort of national standards as well is important.

Mr Farnan: I think you already mentioned in your earlier response that the appointment of more women to the judiciary will have an effect in terms of making the judiciary as a whole more sensitive.

Ms Rebeck: Yes, that is right.

Mr Farnan: I see your proposed appointment to this position as a very significant one and I put it in the context of the Canadian Bar Association's task force study Court Reform in Canada. You are probably familiar with this. It reported public confidence in the legal system was declining significantly and the task force argued that the reason for this decline was a widespread perception that the legal system treated women, the poor and visible minorities unfairly.

To put that in the context of education, there is education for the judiciary. Are there other areas of education? My own perception is that an education of the public has to take place in order for the judiciary to respond to the sense within the community. I really believe that very often the judiciary reflects the thinking of the society. I am wondering what your views are in terms of public education and its effect on the judiciary.

1420

Ms Rebeck: If I could just comment on the confidence question, when the Attorney General asked me if I was interested in this appointment, I started to talk to a number of women who work with victims of violence through rape crisis centres and I said, "Do people complain when there's a problem?" What they said was, "No, they don't, because they don't think they have a chance of being heard." This is one of the reasons why I have decided to accept the appointment. I think that by appointing me, a strong advocate of women's rights, it is more likely women will feel they will get a hearing if they do have a problem with a judge.

In terms of education, I certainly agree with you. Obviously my life is devoted to making changes like that. Public education will affect everyone in the public, including the judiciary, but again, because the judges have so much power in their hands, I think it is a priority to do education in relation to judges and crown attorneys as well specifically. While there has been a lot of work in that area, I think there has to be more.

The last point you raised is affirmative action. The composition of the bench just has to change if people who feel outside the establishment of the society are going to feel that their voices are heard in court. I think that is really important.

Mr McGuinty: Ms Rebeck, you will be called upon, as a member of the Ontario Judicial Council of course, to

review intended appointees. As I understand it, you will be getting a name from the Attorney General and you will be asked to make comments. What in your opinion makes a good judge?

Ms Rebeck: What makes a good judge?

Mr McGuinty: Yes.

Ms Rebeck: Obviously a knowledge of the law is part of it, but for me what makes a good judge is an understanding of the experience of different groups of people in society so that you can be fair. Very often the way we are socialized, particularly if you are a member of an élite or privileged group in society, is that you tend to think that your view of the world is reality for everyone. To be fair, which is ultimately the fundamental quality that a judge needs, a judge has to understand that different groups in society experience different realities.

If you are a poor black person living in Toronto, your reality is very different than if you are a middle-class judge living in Forest Hill. Sensitivity to the different realities faced by different classes in society, men and women, different races, is an important point that I would look for in a judge.

Mr McGuinty: Those are, if I might call them, impediments which come about as a result of all of us leading sheltered lives to one extent or another. Can those all be compensated for through education?

Ms Rebeck: In part they can be compensated for through education, but I think also, which is why you need the affirmative action as well, you need those different sensitivities on the bench so that the people you are relating to on a day-to-day level as your peers are not all the same as you. I think you need both sides of it.

Mr McGuinty: I am wondering if you have any concerns about the dual roles you will be playing. First, you will be there as a member of the Ontario Judicial Council to consider individual candidates fairly. On the other hand you will be, I am sure, continuing as the strong advocate on behalf of certain causes. I am wondering if a candidate who is to be considered by you will have any concerns.

Let's take an example. Let's say you feel it is time, and you have been advocating this and you have been on the circuit and you have been speaking to this issue and you feel very strongly about it, that we have more of a certain group on the judiciary, but there is a candidate coming forward and he or she does not belong to that group.

Ms Rebeck: I know the reason the Attorney General wishes to appoint me is because I am a strong advocate for women and, as I think everyone has recognized, there is a bias against women, if you want to put it that way, or sexism in the court system. So I assume my role is to help counter that bias in the other direction.

Are you asking me if a male judge was put in front of me, would I automatically say no? No, I would not. I would look at that person's qualifications. If you are asking me, "Would I be more favourable to a woman appointment?" yes, because I think we need more women on the bench. But again, if there was a woman appointment before me whom I did not think had the qualifications of a judge or I did not think met the criteria that I talk about in

terms of fairness and sensitivity, I do not think I would automatically approve her because she was female.

Mr McGuinty: To use your example—you picked the example of a man and a woman—if a man was being considered and you felt it was high time we had a woman, how would that affect your consideration of the matter?

Ms Rebick: It depends if there were also women being considered.

Mr McGuinty: As I understand it, they only put one name forward at a time.

Ms Rebick: Oh, I see. I think I would have to look at who the man was and what his qualifications were and his sensitivity in the areas I talked about. I do not think I would automatically say, "There should be more women, therefore I'm not going to approve a man." No. I have actually, even in my professional life, hired men.

Mr Grandmaitre: If you were qualified and you were before the Ontario Judicial Council and you were finally appointed, do you think your appointment would be perceived as a fair one?

Ms Rebick: As a judge?

Mr Grandmaitre: Yes, to become a judge. If you were appointed, do you think your appointment would be perceived as, "This appointment was fair and this woman is fully qualified"? Do you think your appointment would be perceived as being a fair one, because of the fact that you have been an advocate for women for a good number of years, and for the right reasons? Do you think the people in Ontario would perceive your appointment as a fair one?

Ms Rebick: It is a very hard question to answer since I do not have any legal background or a single qualification that would make me a judge.

Mr Grandmaitre: Let's say you have all the qualifications.

Ms Rebick: I would venture to say that if I had all the qualifications to be a judge, I probably would not be in the position that I am in as president of NAC. You know, one's life experiences do shape one's activities. Somehow I think if I were a lawyer and got into the position to be appointed as a judge, I would not be the president of NAC. So it is a very hard question to answer. If you are saying to me, "Can a person be a good judge who is an advocate?" I would say yes and I would point to Rosalie Abella as the example of that.

Mr McGuinty: I have another question or two, Ms Rebick. I am just wondering, do you see any potential for difficulties arising from being both a reformer and a person who will be considering appointments? It would seem to me, following from that, that you may find this restricts your ability to act as a strong advocate and a reformer. I am wondering why you want to get into this.

Ms Rebick: That is a fair question and I did think about that. I spoke again with Doris Anderson and she told me that basically the only restriction it places on you is not to comment on cases that are before the courts that may come to judicial council, because as I understand it the

judicial council is not only involved with appointments but also with complaints against judges. In my case, my focus is really at the federal level. In any case, I rarely comment on Ontario issues unless it is something that is fairly high profile, if you want.

1430

Mr Jackson: That is too bad.

Ms Rebick: Thanks. We do have an Ontario regional representative, so I think what I would do is basically not comment on judicial issues in relation to Ontario as much in my role as president of NAC and leave that to Ontario regional rep so that it would avoid any problem that way. But Doris Anderson has written, even as she was a member of the judicial council, about judicial issues in Ontario that did not impact on her position in council.

The reason I decided to do it is because I do feel so strongly that judicial reform is such an important part of ending violence against women and of ensuring a fair treatment in the society. I felt that by being on the judicial council I would understand better a lot of the issues involved and the sort of practicalities of it and also that frankly there is somewhat of an old boys' network in the judiciary and by having someone strong like myself, who is an advocate for women's rights, hopefully it could balance it the other way.

Mr McGuinty: Yes. I could understand that. It just seems to me that as a reformer yourself, what you would be doing here is considering these in a kind of a plodding manner, if I might use that word. You are going to be reviewing them on a one-by-one basis. You seem prepared to go along with that and recognize the frustrations inherent in that, and if I understand you correctly, you understand it will impose some limitation to some extent on your ability to comment on the matters that appear before you and maybe on the Ontario scene generally.

Ms Rebick: Yes. I would have a discussion with the Attorney General and the Chief Justice about that just to be clear about it.

Mr Marchese: You raised the point that the judicial system has a role to play in how it deals with violence against women. You do not think that is the ultimate solution. Obviously you see it as one arena for bringing more fairness and justice to women and reducing, at least through that, the violence against women.

Ms Rebick: Yes. I think the judicial system is only one part of the solution to violence against women. I do not know if we have time for me to give my whole speech about violence against women, but we are talking at every level: education, community, political, etc. The judicial level is just part of that. It is a very important part. As I say, the more I talk to grass-roots legal workers, what we are finding is that an awful lot of women just do not want to use the court system. I think that is tragic and we have got to change that.

Mr Jackson: Building on that point, judges by their casualness are not essentially guilty, but by allowing crown attorneys and defence attorneys to give very lenient terms for early release and bail terms, judges are not

necessarily just on that. But they certainly are an integral part of the process. Ultimately the inquest is going to show that Nina de Villiers would be alive today if certain precautions were taken by the justice of the peace, or it could have been a judge just as easily. But there was this casualness at that level. It is a very integral part.

It is not just the attitude of the final decision by the judge in the sentencing, but also the terms of early release and bail. That is where the system is confrontational, adversarial and the judge ultimately acts as the arbiter on the victim's behalf. We have case after case of victims of violence, women whose public safety is very much put in jeopardy because of the sloppy terms of early release, and the judges get to say, "That's not my job."

I am hopeful that you are prepared to start moving there because there are jurisdictions in North America where they are making those clear statements that there is a role for the judge to impose that social condition of safety for the victim as an important component. It is not embraced by this government of Ontario. The concept is being followed through in the review that is going on with the C-89 committee hearings next week, I believe it is, at the federal level.

Ms Rebick: Yes.

Mr Jackson: I have been watching those with interest, and that hits that point about where the judges can move the parameters of the responsibility a little further. We are not doing it in Ontario, but they are doing it on the national bench level.

Ms Rebick: I think the new rape law also talks about that in terms of permission on questioning in terms of the woman's sexual history and the role of the judges in making sure that the history is not introduced except in extraordinary cases. I think it is a similar kind of thing there.

Mr Jackson: Or a judge saying, "I will accept that as a victim's impact statement." The judge has a tremendous amount of authority in this area. It is not in vogue, as it were, as a judicial procedure in this province, but it has to become more so, because it is intimately tied to terms of early release or bail, which flows from the victim's ability to feel safe in her own community. This is what the de Villiers inquest is going to ultimately show.

Ms Rebick: I will watch that carefully.

The Chair: Ms Rebick, thanks very much for appearance today. We appreciate it. Good luck.

Ms Rebick: Thanks very much.

FAYNE BULLEN

The Chair: Our next witness is Fayne Bullen. Would you like to come forward, please, Mr Bullen. Mr Bullen is an intended appointee to the University of Toronto Governing Council. Welcome to the committee, Mr Bullen.

Mr Bullen: Thank you.

The Chair: You have been selected for a half-hour review by the government party, so I am going to look to a government member to lead off the questioning. Mr Waters?

Mr Waters: Good afternoon, Fayne. I might as well put it on the record, because I know Al will probably ask the question, so you might as well tell them what your party affiliation is, Fayne.

Mr Bullen: Maybe I should let Al tell them what my party affiliation is. He has done everything that was possible to keep me out of this place, three times, even to the extent of bringing Bill Davis up two days before the election to throw some goodies around too.

Mr Waters: You would not have done that, Al.

Interjection: It was Davis's fault.

Mr Waters: So obviously—

Mr Bullen: Obviously, yes, sure. I am a card-carrying member of the NDP.

Mr Waters: And somewhat of an activist at that, right?

Mr Bullen: Well—

Mr Grandmaitre: Could you clarify that?

Mr Jackson: Because we are keeping score. It is four for four today. We were marking the post as you walked in.

Interjections.

Mr Waters: Then maybe we should go back, because I happen to know that at least one or two of those other ones were not—

Mr Jackson: There is a lot of disenchantment in your party.

Mr Waters: Fayne—

Mr Farnan: I think we have heard enough.

Mr Bullen: Probably because I—

Mr Waters: This is almost as bad as some of the members we have had in from other parties. I can recall a certain gentleman who ended up at the LLBO.

What do you bring with you in your past life that would assist you in this appointment?

Mr Bullen: You have a résumé in front of you, and I certainly do not believe I am here today because I am affiliated with the NDP. As Al will tell you and everybody in Orillia will tell you, I am a very activist type of person within the community and somebody who in both the education field and the social field, in many things I have worked to create a much better community, for instance, starting up a community credit union and non-profit housing, Simcoe legal services clinic, and the list goes on and on. You name it and I have participated in it, in Ontario or in the community.

Mr Waters: I have no questions; I just enjoy seeing you. I do not get a chance to see you often enough. So I will turn it over to one of my colleagues.

1440

The Chair: Mr Frankford, do you have a question?

Mr Frankford: Do you have any specific thoughts about what you would like to do in this position in relation to the University of Toronto?

Mr Bullen: I have been associated with the education field for many years. I have been a high school teacher

both here in Toronto at George Harvey Collegiate Institute and in Orillia for nearly 30 years. I taught the summer course at the University of Toronto in the college of education for three years, teaching the history methodology course. Actually I did take my education qualifications through the faculty of education at the University of Toronto, and I took some other courses. Obviously education is something I am intensely interested in and I believe I can bring that perspective and that interest and commitment to the job here.

Mr Frankford: Do you know at this stage what the position will actually involve?

Mr Bullen: I did have a meeting with the chairman of the governing board and he outlined some of the procedures and expectations, yes. Not that I know everything, of course. We are all in a learning mode when we get to things like this.

Mr Frankford: Are there any particular strengths or weaknesses of the University of Toronto you would like to concentrate on?

Mr Bullen: When I met with Mr McGavin, we talked about being involved with the student side of things. I would like to be associated with a committee that deals with students' events and see what can be done.

Mr Frankford: In terms of entrance to the university or—

Mr Bullen: Entrance, problems, complaints and so on. Being a type of person who has been associated at the grass-roots level with people, certainly listening to and responding to students' concerns would be one that I mentioned I think I could bring to it.

Mr Frankford: Do you have any strong opinions at the present time about tuition fees?

Mr Bullen: In the best of all worlds, it would be really nice if education fees were not a barrier to education, but given the present realities, I think we have to have some form of fees.

The Chair: Any other member of the government party at this point? Then we will move on to the official opposition. Do we have a member who would like to pose a question? Mr McGuinty?

Mr Grandmaitre: A very qualified person.

The Chair: All right. Then we will move on to Al McLean.

Mr McLean: Being we have lots of times—
Interjections.

Mr McLean: I have worked so hard to keep Fayne from Queen's Park, as he said, and we have seen all these names on the list, and I could not believe when Dr Frankford picked you out to interview. I was more surprised than anybody, because we have been on the same platform on many, many occasions.

But I do have some questions, Fayne. At the University of Toronto they have cut 155 faculty positions to keep the school's deficit at \$20 million. What measures would you recommend in reducing the U of T deficit?

Mr Bullen: One certain measure is that I offered to come down here free of charge. I am volunteering my service to the board of the University of Toronto.

It is a difficult question to answer and I think I have to get more into it before I could recommend any specific measures as to how they could cut costs. I was listening to a comment by two economists—and we know John Crispo, a friend at the University of Toronto here who is in the field of political economy, is suggesting his salary should be cut. I would have a lot of hesitation in cutting the salary of John Crispo at all.

Seriously, I do not know. I would have to learn more about it before I could comment in detail.

Mr McLean: There was one thing that happened a while back and I would like your views on it. They attempted to lease a parcel of land to developers, Huang and Danczkay, to raise funds. They were intending to put up a 10-storey hotel on the U of T campus. Do you think universities should sell or lease lands as a means of offsetting the low government funding?

Mr Bullen: The University of Toronto is a rich property holder and certainly there are considerations and times when it might want to exchange, sell, bits of property in order to carry out its program. Just as it buys, it should be empowered to sell if it is economically feasible to do so.

Mr McLean: My understanding is that the University of Toronto is the only university that does not have one body dealing with administrative and another one dealing with academic affairs of the university. Would you be looking at making it the same here at the University of Toronto as at other universities?

Mr Bullen: My understanding of the setup of it is that the governing body is divided into a number of various committees and what you are asking in your question here about one body is achieved by its committee system. The same purpose is achieved through that committee system.

Mr McLean: It is a unicameral structure and the faculty association has consistently argued for a separate body to deal with the academic affairs, which would receive a greater degree of representations than the one on the governing council.

Mr Bullen: My understanding is that there is a faculty committee and there is also a financial and administrative committee and there is a students' affairs committee, and those three committees meet separately and decide different functions and make recommendations to the governing body, which in the long run makes a final decision. For a university of this size, that seems a very feasible type of setup. It is just like your setup here. You are doing the committee work here for one aspect of it, and that is good.

Mr McLean: The Ontario Federation of Students has long opposed the position of raising tuition fees. They are still very adamant about that. I believe that in—I forget. I was going to say Focus 90. What was the name of that book that was put out in March 1990? It had a lot of commitments in it, and one of them was that tuition fees would be frozen or lowered. Since then they have gone up 8% in some cases. What are your thoughts with regard to the increase in tuition fees?

Mr Bullen: That is a second time around with me on this question, you know, Al. Anyway, in addition, I have been at conventions where a resolution was made and strong representation was made not to increase tuition fees. As I said, in the best of all worlds, it would be nice not to have to use fees as a means of determining who would access university education, but we are given, in these times of constraint and others, the necessity to pay your way. You just asked me a question, how would the university meet its budget and what measures? It would be really premature of me to come out and say, "I'm going to go out there and say, 'Let's cut fees out completely.'"

Mr McLean: Would you go out there and say that we should be frozen?

Mr Bullen: I am going to say I am going to have a look at it and see the pros and cons before I make a decision.

Mr McLean: I do not have many more questions, but I have one. Our friend Don Evans—you know him well—was always very critical of other governments making political appointments. I often wonder how he feels today when we have seen the amount—I see nothing wrong with them. I agree with them. I think that is the objective of governing, but I find a problem when one person says that we should not have them and then we go ahead and make them. What would Don say today if he knew you are sitting here getting this appointment? Would he agree with it?

Mr Bullen: Allan, you see nothing wrong in it, number one.

Mr McLean: I never did.

Mr Bullen: The second factor is that I think I am here because I am the best person for the job here, and second, they are getting me very cheaply. They get me for nothing. It is just another volunteer work. Would you want the job?

Mr McLean: Not with what I am doing.

Mr Bullen: I will change with you any time.

Mr McLean: You tried it three times.

Mr Bullen: I remember it was 33% to 35% of the votes.

Mr McLean: That is right. Anyhow, we run good campaigns. We had a lot of fun and we were very good friends. I appreciate your coming in. Thank you, Dr Frankford, for inviting him.

The Chair: Thank you very much, Mr Bullen. We wish you well.

1450

ROBERT McMURDO

The Chair: The next is a bit of a change from your schedule. You will note that James Cayford was originally scheduled and cannot be here today, so we are moving up to the next witness who I understand is present, Robert McMurdo.

Mr McMurdo, would you like to come forward, please. Welcome to the committee. Mr McMurdo is an intended appointee as vice-chair of the Workplace Health and Safety Agency. He has been selected for a half-hour review by the

government party. I am looking to the government members for someone to lead off with Mr McMurdo.

Mr McLean: Can I have a point of privilege for 30 seconds, Mr Chairman? I want the members to know, and I did not want to bring it up when Mr Bullen was before us, that his two sons and his wife have also got jobs with the government within the last year.

The Chair: That is not a point of privilege.

Mr McLean: That is a pretty good point and I did not make it before.

The Chair: Does anyone on the government party wish to lead off?

Mr Marchese: We pass, Mr Chair.

The Chair: All right. I am looking to the official opposition. Mr McGuinty, would you like to lead off?

Mr McGuinty: I need a few moments, Mr Chairman, before I can ask questions.

The Chair: Mr Brown, are you prepared?

Mr Brown: No.

Mr Jackson: Let me start then. Robert, welcome. Is it safe to say that workplace health and safety is a mixed bag in this province?

Mr McMurdo: No question.

Mr Jackson: There are a several agencies and I do not want to say "competing," but there are several groups that are funded differently and propose to suggest that they are in a good position to advise the government and various sectors about workplace safety and occupational health. Recently one or two of those groups have had their provincial funding withdrawn. What is your comment about that? What concerns would you have about that?

Mr McMurdo: Would you care to identify those groups, Mr Jackson?

Mr Jackson: I was afraid you were going to ask me that, Robert. Does industrial accident prevention ring a bell?

Mr McMurdo: No. If you are referring to Industrial Accident Prevention Association, which is Russ Ramsay's organization, it is well funded by our agency.

Mr Jackson: Okay. There is another one then that I am looking for. I do not have my briefing note in front of me.

Mr McMurdo: I am sorry; I cannot help you there because certainly the mandate of Bill 208, as you are probably aware, was to oversee the existing delivery organizations, which we have continued to do.

Mr Jackson: Okay. Let me move into an area which flows from that piece of legislation and the vision implicit in that legislation. There has been some controversy in the past about people on the shop floor being empowered to make decisions to shut down certain operations and that has some pretty dramatic effect. There was considerable debate about whether or not these shutdowns or work stoppages, for the reasons outlined, for safety, may be frivolous or unwarranted and that these might by coincidence be occurring at a time when there is legitimate labour unrest occurring or negotiations. Can you speak to this committee

about any of your experiences or your views in this area and whether or not that element of the legislation is working?

Mr McMurdo: To answer the last part of your question first, I think that element of the legislation is working. I happened to be on the Bill 208 formative committee when the government was putting Bill 208 together. That was certainly one of the concerns of the management side of the debate.

I think it has proven to be the case since January 1991 when Bill 208 became effective that there have been no examples of indiscriminate shutdowns of plants because, as you know, the legislation now calls for a certified worker representative—we will get into that in a minute—and a certified management representative on a joint health and safety committee. With the revisions that ultimately flowed in Bill 208, those two parties must make that decision jointly. In other words, one party cannot shut down the plant. I guess it is that simple.

Mr Jackson: If I understand, you are currently a member and are ascending to the position of vice-chair?

Mr McMurdo: I have been a director on the management caucus since the inception of the agency. Unfortunately our vice-chair of management, resigned for health reasons as of December 31. I in turn was approached and asked whether I would consider filling out the balance of his order in council, which flowed through until October 1993. I indicated that I would be pleased to do so.

Mr Jackson: I do not have it in our notations. When was your original appointment?

Mr McMurdo: My original order in council for myself was a three-year OIC dating back I believe to September or October 1990.

Mr Jackson: Unless we have been getting other indications, Mr Chairman, I can continue.

The Chair: You are fine.

Mr Jackson: I am not fully conversant with your mandate. Forgive me for that. I would assume that issues of risk are brought to your attention and that from time to time you may be called upon to pass certain judgements. Are there some outstanding issues that you believe are not being taken seriously whether it is by the government or some arm of government, or do you have any of those concerns you wish to share with this committee at the moment?

Mr McMurdo: I do not. I think our mandate under the agency is clear. It is the overseeing and delivery of occupational health and safety programs for all facets of industry in this province, and I think we are getting a handle on it. You alluded to this in your previous remarks about the various delivery organizations that exist out there. In fact, I just came from a meeting with the Construction Safety Association of Ontario, which is the second-largest funded organization that we oversee. It is apparent that there is a lot of duplication of effort and we are striving and I think frankly making some headway into the amalgamation and consolidation of some of the services that are out there.

Having gone through financial budget reviews with all those organizations in the past 14 months, I am the first to admit that the duplication of effort is somewhat astounding. We as an agency are taking strides to consolidate some of those services and better spend the dollar and utilize it for occupational health and safety purposes.

Mr Jackson: If I were to rephrase that question a little differently it would be, are there areas that are being presented to you through these organizations that fall under your umbrella? Are there areas that are of particular concern to you where the records for workplace health and safety are not being addressed?

Mr McMurdo: I think the answer to that is no. I am satisfied. I have been involved in occupational health and safety through the construction industry for many, many years. Having had a chance to talk to all of them now, I think frankly they are doing the best job they can.

Mr Jackson: I am sure we are going to have enough time for all the questions. Finally, the area of asbestos in schools, does that fall under your mandate as it relates to teachers and the environment in which they are teaching, which would have excess asbestos?

Mr McMurdo: Only to the extent that asbestos removal falls under our area of jurisdiction under the Occupational Health and Safety Act, but asbestos as it exists in a building such as this is not our mandate.

1500

Mr McLean: I have a couple of questions. There appears to be a lot of concern now with regard to stress, people wanting to be pensioned off because of stress in the workplace. Are you getting many of those applications or people bringing it before your board?

Mr McMurdo: No. That is more in the purview of the WCB.

Mr McLean: I am talking about health and hazards in the workplace. If stress is not a hazard I do not know what is, but it is a very important item. I am asking you if you have had any people bringing to your attention that they feel it is part of a—

Mr McMurdo: I am with you now. Certainly the IAPA has had situations such as you are describing. I think it is fair to say that it is a new phenomenon in the workplace that is being recognized as a compensable type of injury. It is my understanding that they are designing programs to hopefully try to eliminate stress in the workplace. There are many types of stress, as you and I know. I think the answer is yes, they are being addressed.

Mr McLean: I have had policemen come to me who have indicated that they have had to retire. They were taking early retirement because of the stress. That can get to be a pretty touchy subject. A lot of people perhaps could feel the same way, even members of the Legislature.

Mr McMurdo: I am sure.

Mr McLean: Anyhow, we will pass. I was here when Elie Martel and I were sitting on the committee dealing with the previous administration's Ministry of Labour with regard to the workplace health and safety act. Is Mr Martel involved in it now?

Mr McMurdo: No, he is not.

Mr McLean: I thought he was.

Mr McMurdo: No.

Mr McLean: He is in the environmental aspect, I guess, is he?

Mr McMurdo: I do not have the answer to that.

Mr Waters: I have seen him off and on, but I never asked.

Mr McLean: This is one of his major committees. Thank you, Mr Chair.

Mr Marchese: In 1991 the Workplace Health and Safety Agency released a study on the 12 agencies that it had commissioned around safety and accident prevention associations it is responsible for. The study was very critical of the associations in five major areas. The associations offered over 500 programs which were often duplicated and uncoordinated. It says:

"The associations failed to systematically evaluate the effectiveness of the programs they offered. Many of the associations targeted their programs to management. The study suggested that this bias was inconsistent with the spirit of Bill 208, which called for cooperation between management and labour. The 12 associations had contact with only about 50% or 60% of the workplaces for which they were responsible and the associations failed to conduct up-to-date surveys in order to ensure they kept in touch with the needs of Ontario workers."

That is quite a highly critical view of an agency that has received over \$15 million from the Workers' Compensation Board to spend on these associations. Can you comment on these criticisms, and in your view, what can be done to make the associations more effective contributors to occupational health and safety in the province?

Mr McMurdo: If I can just correct one comment you made there, that study did not embody us. We actually precipitated the study of the agency, as I alluded to when I think I was talking to Mr Jackson. We detected very early in the game that there was a lot of duplication, that there were morale problems and that there were criticisms in the SPR report of some of the delivery organizations being heavily staffed at the management level. We are currently conducting a review of all these agencies individually.

In fact, my counterpart, Paul Forder, and I just got back from North Bay yesterday, having visited with the Forest Products Accident Prevention Association and the Mines Accident Prevention Association. I think it is fair to state here today that we are of the opinion that to save some money, to economize in services being provided by those associations, strong consideration be given to establishing one natural resource safety association comprising pulp and paper, forestry products and mine accident, locating them in the north, where all the action is. Through consolidation we are going to eliminate an awful lot of administrative duplication—computerization-wise, general administration, accounting and so on, and also in the delivery of the programs.

To answer your question, I think I can assure you we are taking steps to correct the criticisms that were con-

tained in that SPR report, one of our top priorities at the agency.

Mr Marchese: In terms of the suggestion about how to evaluate the effectiveness of the programs, are you putting something in place to do that?

Mr McMurdo: Again, part of our mandate, we think, is to consolidate a database such that all constituents in the province who are involved in occupational health and safety, and that of course includes pretty well every industry you can think of, will have one central database to go to, the agency's, to provide all of us with statistics that will indicate whether a certain industry is doing a better job than others. In our studies to date of the agencies, we have found that some have a far better handle on how effective they are than others do. We are starting to identify that now.

Mr Marchese: Just another question.

The Chair: You have time.

Mr Marchese: We realize that unorganized workers are not represented in the agency. Is that something you are addressing?

Mr McMurdo: You are quite correct that unorganized workers are not represented on the board of the agency. However, as an example, this morning we met with a bipartite board, which happened to be the pulp and paper people. They have a fully bipartite board, management and organized labour, but all their committee structures below the main board of the pulp and paper association are bipartite in a manner such that the unorganized people have representation. For example, the current president of the association happens to be from Kimberly-Clark's Huntsville pulp and paper plant, an unorganized plant, but his floor people are fully represented on the committee in that area of the province. So the unorganized are being represented, as an example.

Mr Duignan: I was just wondering, in your opinion have this agency and act strengthened the enforcement of health and safety regulations?

Mr McMurdo: We are not an enforcement body, as you know, but I think it is a step in the right direction. At least we have organized labour and management at the same table. I think it is fair to say that over the 14 months the rage and rhetoric have quieted down somewhat and we are now getting on with the job we are there to do, putting partisan interests aside. We are not the policeman—the Ministry of Labour is still the policeman—but I think the cooperative effort is starting to take a proper form and we are starting to get things done. That is the important thing, in my mind.

Mr Duignan: Finally, the current state of the training and accreditation programs—I know it is not to begin till later this year. Is that on target?

Mr McMurdo: We are a little behind target, but based on a meeting that was held yesterday, I suggest that we probably should be kicking off the certified worker training in July of this year. What we will do is target the high-hazard industries initially. It is such a large job to

complete that we will probably look at the high-hazard industries initially and target them for the initial training.

Mr Duignan: Any estimation of the completion time?

Mr McMurdo: It is tough, because the numbers are mind-boggling when you consider the number of certified worker representatives who are going to be required in the workplace, anywhere from 150,000 to 200,000, and it is quite an intensive training program. My guess is that it is probably going to be protracted over a two- to three-year period.

1510

Mr Waters: As a person who was involved with all of this way back when, I have a couple of questions. Part of your mandate was establishing a small business advisory committee. How is that going?

Mr McMurdo: It has not been ignored, but I guess I must be very frank with you: We have had so many other what we call higher-priority items, that has not yet been established. However, having said that, on our management caucus in particular the small business interests are well represented through Bruce Stanton, and Judith Andrew of the Canadian Federation of Independent Business. Their interests are being well represented, I can assure you.

Mr Waters: The other thing is that I can recall going through all of this and having management say it was another waste of its compensation dollar and the cost was going to be prohibitive and everything else. I always argued against it. As you have said, you have gone through 14 months and basically settled in. Do you think this is going to be something that will be better for business in the long run and probably a savings in workers' compensation?

Mr McMurdo: Oh, yes. I am from private industry and I have no hesitation in saying yes, it will be, because occupation health and safety reflects in the bottom line. There are thousands of examples of it. We have people in organized labour who do not think Bill 208 is a very good idea. We have people from business who do not think it is a very good idea. But those positions are starting to soften. I think there is a big job to be done, an enormous mandate under Bill 208. If we can succeed, it is going to be reflected in less pain and suffering in this province and thousands and millions of dollars saved in WCB costs, costs of hospitals and right down the line, and, I might add, in the bottom line in business profit-and-loss statements as well.

Mr McGuinty: I want to pursue something raised by my colleague Mr Marchese. I do not quite understand how unorganized workers receive representation. In the agency there are 20 directors sitting on the board, I gather, and as I understand, it none of them are there specifically to represent unorganized workers, while more than half of the workers in the province could be categorized as unorganized. Do you see that as a deficiency?

Mr McMurdo: I did at one time; I do not now. You are quite correct, our board at the agency is comprised of only organized labour representatives on the labour caucus. We do have representation, however, in our management caucus, representing businesses that do employ other than organized labour. The example I cited of our meeting

this morning with the pulp and paper industry satisfies me certainly with it and, I might say, with construction safety, which we also have met with in the last day or two, that the unorganized worker in both those industries does have a voice at the table.

Mr McGuinty: It is the management table, though, is it not?

Mr McMurdo: No. For example, with pulp and paper, branch district 9, which covers the Huntsville area, even though the directors on the pulp and paper safety association are from organized labour, below them is a working committee, occupational health and safety committee, joint health and safety committee, comprised of a number of people. They form a branch committee in that area. Kimberly-Clark's plant in Huntsville, for example, which is unorganized, has two floor worker representatives on that committee. They do have the opportunity to provide input into the process and programs, which then flow back up to the main board of directors of the pulp and paper. That is one example.

Mr McGuinty: Do you see it as any kind of a perception problem?

Mr McMurdo: Certainly there is no question it is a perception problem, but I think that over the last 14 months that perception problem has been broken down, because the big argument during the formation of Bill 208, when it came to the representation on the board of directors of the agency, was how the unorganized were going to be represented. There is still some of that out there, but I think those barriers are now being broken down.

Mr Brown: As someone who survived Bill 208 in the good old days when we were going crazy with that bill, I fondly remember some of the arguments. You talked about the certification of the worker representatives. How is it going from the other side, where we are certifying management people, or do these people take exactly the same course?

Mr McMurdo: Exactly the same course.

Mr Brown: Is the time frame absolutely the same then?

Mr McMurdo: The time frame logically should be the same. We on the management caucus are of the opinion, and I think the labour caucus is starting to share this opinion, that logically in a workplace of 20 people or more, where there is a worker representative and a management representative required, does it not make some logic that those two people take the course at the same time? The thinking is starting to come around in that direction. It is not quite there, but it is starting to come around.

Mr Brown: I recognize the enormity of the task you are confronting and I am wondering to some extent—I am looking for the right way to phrase this—when we will see better health and safety in the workplace. When will we see an improvement in the statistics? When are we going to see lower WCB claims, fewer people being injured, fewer people being killed, fewer claims? What is the time frame?

Mr McMurdo: I hope as quickly as possible. That is a pretty general statement. I think this year, based on some of the statistics we have seen already, you are going to see better results. That is hard to gauge because some of the better results are going to be a result of the economy. There will not be that number of people working in the workforce. The man-hours will not be there. I think in construction, for example, you are going to see fatalities in the last year, 1991, at the lowest point in some 20 years. How much of that is reflected in the state of the construction economy, in less people working? I would like to think that in 1991 it was probably to a great extent the efforts of the industry to improve occupational health and safety, because the industry was humming along pretty well and that is where I came from. It is certainly not humming along right at the moment, but I think we are getting results.

Mr Brown: Is there a process of being able to measure that?

Mr McMurdo: Someone else asked that question. We are now in the throes of providing a proper database through the agency so that people will be able to—the difficulty in all industries over the years has been—Procter and Gamble could tell you how many tubes of toothpaste it was going to sell in a given year with deadly accuracy, but to predict the number of fatalities and occupational health type of accidents in so difficult an industry, we have to get a better measure. That is what we are currently working on.

Mr Brown: Do you see the overall budget remaining static or decreasing for your organization?

Mr McMurdo: I would like to see it increase, but under current economic conditions that may be an optimistic forecast. It is interesting to note, though, that back 10 years ago we were expending in occupational health and safety in this province, funding the associations, approximately 3% of total WCB assessment dollars. Now, 10 years later, we are spending about 2.3% of assessment dollars. In other words, the amount of real money as a percentage has gone down in 10 years as opposed to going up.

Mr Brown: What has it done in real dollars, not expressed as a percentage? Has it kept up with inflation?

Mr McMurdo: I would suggest no. I do not have the figures in front of me, but I would suggest it has not; a little bit of the argument we used when we were presenting our budget to Management Board this year, I might add.

The Chair: Thank you, Mr McMurdo. We appreciated your testimony.

Mr McMurdo: Thank you for your time.

1520

The Chair: Members, the next matter on the agenda is dealing with concurrences with appointments. We can deal with these in a block or individually, and we may want to do them on an individual basis because we have dealt with so many appointees today. Again, I would advise you that if any member requests a delay in a vote,

we are obligated to honour that, but it would have to be dealt with tomorrow. That is the lengthiest delay possible.

I am looking for a motion in respect to Mr Herrndorf's appointment as member and chair of the Ontario Educational Communications Authority. Do we have a motion to concur with that appointment by Mr Marchese?

Mr Marchese: Mr Chair, I would like to do that, but could I ask a question? I would like to move them all as a block, if people are agreeable with that.

The Chair: I had an indication that there was a wish to deal with them individually, so that is why I am proceeding in this way.

Mr Marchese: Very well, then. I move concurrence.

The Chair: We have a motion to concur with Mr Herrndorf's appointment. Any discussion on that motion? All in favour? Opposed?

Motion agreed to.

The Chair: Moving on to Mr Paul LaFleur, intended appointee as a member of the Regional Municipality of Halton Police Services Board, do we have a motion to concur with that appointment? Moved by Mr Waters. Any discussion on Mr LaFleur's appointment? Mr Jackson.

Mr Jackson: I think I raised a series of questions and concerns for the committee, but the one I really wish to focus on has very little to do with Mr Paul LaFleur and more to do with the question about what constitutes a conflict of interest. As I was quoting from the appointments secretary's own memo to this committee, I was distressed to learn that matters of conflict of interest had no—I do not have it in front of me, but I think I quoted directly the words that "no formal process exists."

I want to separate the appointment from the process, because I am concerned more about the process here. I had certainly been notified by members of the community about concern over this conflict of interest, and Mr LaFleur has indicated as a lawyer that he felt he may be in a conflict of interest, yet the thing was left open-ended. That concerns me.

Obviously we are discussing the impotence of this committee, but we should also be recommending that the process has a deficiency if nobody is dealing with this man's conflict of interest. There were three things that could happen, if you read from the document. I tried in the limited time I had to discuss whether or not any of these activities were occurring.

First of all, in the application he made reference to how, if called upon, because there is a conflict of interest, he would refrain from law, but that is not a condition or a requirement and no one has set that out. I think we need to be guided a little more on this legal question. I am not a lawyer, but I think it is fair to ask what the implications are for decisions being made where there could be a potential conflict of interest, and what its implications are.

I do not have a difficulty that he is a card-carrying NDP or that he has only lived in my community five and a half years or with his trade unionist views. He is entitled to those. But we are dealing with the issue of conflict of interest, and it flows from his own application and his own letter to the appointments secretary. So I do not think we

should just blithely pass this one. I think we should be asking the question. I know we are going to vote on it and it is going to get approved; that is a given. But I am uncomfortable and I want to be on record as saying I am a member of this committee—I am not subbed in here; I am a regular member of this committee—and I am very concerned that we have no mechanism to deal with this.

We have the subject of an inquiry occurring 20 feet from this room on a conflict-of-interest guidelines matter, yet it seems that on matters of an appointment, a substantive one, we do not have any way of tying that down. Maybe other members wish to discuss it, but it is what is at the nub of my frustration and concern here.

The Chair: Okay. We have Mr Farnan first and then two other members who wish to speak.

Mr Farnan: I think conflict is always a matter of concern, whatever body one is dealing with. But let's look at the ramifications of a decision. Would we exclude all lawyers with similar backgrounds as a result? I think it is incumbent on any individual in any forum to decide when conflict is there, whether it is pecuniary or otherwise.

I am not unsympathetic to the idea that built into the process of appointments there might be a brief notation as to the area of conflict. I think that makes sense across the board, but I do not think it makes any sense to hold up the appointment, which I believe to be basically a very sound appointment.

I think all members on the police commission, and in this case it is an appointment to a commission—let's say it is an individual who ran a crisis shelter and matters come up surrounding that crisis shelter. There are matters of conflict. So one could project conflict to any member of the police commission and not just to this individual with this background. I would perhaps be supportive and sympathetic towards Mr Jackson's suggestion, if what he is saying is that there be a notation in the future for all members appointed to agencies, boards and commissions. At the same time, I do not think it should be a deterrent to processing this application today.

The Chair: Mr Duignan, Mr Waters and Mr Marchese have expressed an interest in saying something.

Mr Duignan: Actually, I have to declare a conflict here, and I will not be participating in the debate or the vote.

Mr Farnan: An excellent example of the point I was making.

Mr Waters: I think that tomorrow you are going to have Ms Phillips come in before the committee, and maybe you can enter into some of this discussion at that point. I did not hear everything that was said this morning by the witness because I had been called out for a moment or two, but I believe the witness was more than forthright in saying he felt so strongly about this position that he was willing to give up that part of his practice.

Mr Jackson: If required.

Mr Waters: If required. Okay.

Mr Jackson: That is my point. I am not questioning the motive.

Mr Waters: I do not think it warrants holding up the appointment. If we feel as a committee that there is some sort of potential problem that could come before us that might be greater than this one—and looking at what you are saying, there could be something that could be a far bigger conflict than this person, who is very open about it—I think maybe it is something we should talk over with Ms Phillips to find out how they deal with it. Then, if need be, we can always make a recommendation as a committee that this be addressed.

Mr Jackson: That is more the direction I am looking at.

The Chair: We will go to Mr McGuinty, then to Mr Marchese.

Mr McGuinty: I do not have as much faith in changing the process here as perhaps other members do, so I am going to focus on the individual who appeared before us. I do not recall—I may have been out of the room at the time, but I understand, Mr Chair, that he himself acknowledged that there was a conflict.

The Chair: Potential.

Mr McGuinty: A potential conflict.

1530

Mr Jackson: And that was his own legal opinion?

Mr McGuinty: I am concerned by the fact that in his letter he said that if required, he would cease practising in the area of criminal law. I am going to speculate that Mr LaFleur is saying that for a very good reason; that is, he relies on some practice in the area of criminal law in order to earn some income. There is nothing wrong with that at all; I did that myself for a few years. So it is a real conflict. It is not something he can drop out of hand.

I think if this committee was going to deal with this properly and if it was going to recommend the appointment of this gentleman to the police services board, then it ought to do so by making it a requirement that he not practise criminal law. I do not know if we have that authority or if there is any means available to us or any mechanism to follow up on this. If we cannot do that, I do not think we are fulfilling our responsibility by saying: "Okay, there's nothing we can do. We'll just let him go ahead anyway, and to heck with the conflict."

The Chair: As Chair, I see nothing wrong with an amendment which would indicate that we concur with the appointment, subject to Mr LaFleur withdrawing from all criminal law activities. If that is what you are trying to aim at, I would certainly entertain an amendment to that effect.

Mr Jackson: Mr Chair—

The Chair: No, we do not want to get out of order. Mr McGuinty has proposed this; I want to give him an opportunity. Or would you rather reflect on it for a moment?

Mr McGuinty: I will reflect on it.

The Chair: Okay. Mr Marchese.

Mr Marchese: Yes, it is useful for them to reflect on it, because my personal feeling is that this lawyer is stating an opinion. It could be out of guilt perhaps more than real conflict. I do not know that he has a conflict in fact. The

fact that he practises criminal law does not create a conflict by and in itself. The fact that he may have been critical of a judge or the police does not create a conflict. I think the conflict is when he has to make an opinion where he may have been directly involved with the case. That is an automatic conflict, in my view. But to deduce from his practice and his views that therefore he may have a conflict, I do not see that correlation.

So my immediate thought on this is that there is no conflict except when the member, in whatever matter he is dealing with, perceives that he has been directly involved and then makes his own judgement as to whether or not that constitutes a conflict. That is the way I would see it. At the moment I do not have any problems, but I do not mind deferring this until tomorrow for us to consult with others—all of us, I suppose—in terms of what other opinion we might get. At the moment, I am quite willing to proceed, but a deferral would be quite acceptable to me to consider a few other things or consult a few other people.

The Chair: We will allow a little more discussion. I think you moved the motion, did you not?

Mr Marchese: Sure we can.

The Chair: If it is a consensus, sir, you could withdraw the motion. We can defer it until tomorrow. Mr Jackson.

Mr Jackson: Listening carefully to the comments on this, I think the point is appropriate that as a committee, no one has come forward to enlighten us on that legal point. I have had complaints from my community about the point. I have had conversations about the nature of how the conflict would work. In the brief time allocated during the interview, I alluded to the special access to inside information on the details of police procedures with efficacy and the validity of certain investigative procedures that are entered as evidence in a courtroom, and that this is not privy information to defence attorneys.

We are talking about a person who is bound by his legal, professional oath to do all in his power to get that criminal off. That is his mandate. This makes him unique, and different from a crown attorney who is there to represent the crown, the state, Her Majesty and to protect the citizens. This person's role is to get the criminal off. The adversarial system functions because the two go head to head and each has a little warrior going into court for them.

Whether it is drug investigations or the quality of the material of the forensic tests that occur, this is the kind of detailed information shared with me about how this is a conflict. I did not raise the issue of conflict; it emanated from the gentleman's own application. The lady who is going to come to us tomorrow to talk about the appointments commission in her own brief deals with the issue of conflict. It is a matter that is out there for consideration, and they leave us wanting as a committee, because they do not have a mechanism for us to discuss it.

I would like someone from the Attorney General's office to come forward. My fear is that we have said there are no conditions on this appointment so he is not required by anyone—he has been interviewed by Andrew Mackenzie on behalf of the Solicitor General. It was recommended to the

Premier, who has signed the order-in-council appointment for referral to us. So everybody said yes. Everybody has been discussing conflict, but no one has said whether it exists or not. I have to record a negative vote on that issue, whether or not he is an appropriate appointee because no one gave me the true legal answer.

That is what I feel is wanting in the process, and that report does not address it. It just says it will be an informal process and it should be discussed with the individual, but if something does happen—we are dealing with matters of the criminal justice system and a person's special access as his appointment to that board. That is all I am really pleading for at this point.

Mr Frankford: It seems to me, a non-lawyer, that a conflict of interest is when one has duties and obligations that conflict. I think, without going into all the details of what he might find, as a lawyer he would have a professional obligation to his clients and, at the same time, as a member of the police commission he would have a clear duty to that board and to the community, so I think it becomes self-evident in this case. I presume that any number of the appointments can have things where there is conflict to a greater or lesser extent. He might want to declare a conflict if the police commission wanted to make some property deal which affected the value of his house, say.

There was another situation that arose in this committee a few weeks ago that was mentioned but did not give rise to any discussion: Mr Wolfe, who was appointed to the Royal Victoria Hospital board, and was also on the board of the Barrie Community Health Centre. In this case he personally said he was willing to look into it and he was prepared to resign from the health centre if there was a conflict. The matter was left at that.

I am not sure in my mind whether there is a conflict or not. I think it would be interesting, for a start, to see if there is any self-evident conflict or if this would only apply to certain circumstances coming up. I would certainly be quite interested to go back and follow up on that one to see: Was there a conflict? Is he going to follow through on that? How is that going to be resolved? Presumably with any number of the people we hear, one might think of some circumstances in which other aspects of their lives, either boards or political obligations or whatever, could conflict with the position they have been nominated for.

Mr McGuinty: I think it is important we not lose sight of this particular case. I cannot agree with Dr Frankford when he says the possibility or the likelihood exists in all appointments that there will be the potential for conflicts. I think this is a clear-cut case. I do not think we can just drop it and say, "Let's just pretend it doesn't exist." I think we have to address it.

When you are on the police services board you are involved in a special relationship with the police and the police are in the business of laying charges. If you are defending clients in criminal law you are in the business of defending against police charges. You cannot somehow have a connection with the laying of charges and at the

same time have a connection with the defending of those very charges. So it seems to me on the face of it patently there is some kind of a conflict. I do not offer that as a legal opinion because I do not consider myself to be expert in the area. But I think there is a very real issue here and it has to be looked at more closely before we can go ahead and concur with his appointment.

1540

Mr Marchese: I do not know that it is clear-cut. I frankly believe there is no conflict, but I do not want my comments to prevent the process of finding out whether or not there is one—at least people want to be convinced there is not—and if there is, how to deal with it. I am generally a process person so I agree with the other members that for the benefit of clarifying this, having someone come to talk to us about it so we can ask those questions would be useful. Carol Phillips may be one of them. Cam talked about the idea of having someone from the Attorney General's office come as well. Perhaps through the Chair we might arrange for that, if it is possible, for tomorrow. For the sake of process I think we should do it. Someone might want to come and talk to us briefly about that. I am quite willing to accept that as a part of the process.

The Chair: Mr Waters, I am advised, made the motion. If he wants to withdraw his motion and defer it until tomorrow, we certainly have Ms Phillips before us, and we can attempt to try and get someone from the Solicitor General's office to briefly appear. Again, because of the time constraints, under the standing order we can only defer this until tomorrow and deal with it then. If we do not deal with it then it will automatically come into force within a period of time.

Mr Waters: I have no problem with deferring, but I will not be here tomorrow so I would like to leave you with a couple of thoughts on it. Then I will withdraw my motion and allow for the deferral. One of the thoughts is, is a doctor who sits on a hospital board in conflict? It is my understanding we were to get people from different backgrounds in the community to set up a police services board and they would not be dealing directly with the criminal element within the community; they are to offer some guidance to the police in generalities. I do not think they go in and say, "On case number da-da da-da da-da, we want you, the police, to do this." This not what I see as the function of the police services board. I will defer, but be-

cause I will not be here I just wanted to make those statements.

The Chair: Mr Waters is withdrawing his motion. We will have Ms Phillips before us from 10 to 11 tomorrow. I have asked the clerk to talk to the Solicitor General's office to see if we can have a representative from that office with us from 11 to 11:30. At that time hopefully we will have someone. If we do not, we are simply going to have to make the decision based on the responses we get from Ms Phillips.

Mr Waters: Should we have to make the decision without, I do not think we should leave the topic and drop it at that point. I think there is enough interest by the members of this committee that if we cannot get anyone from the Solicitor General's office here tomorrow, somewhere down the road we would like to have that person attend.

The Chair: That is part and parcel of this whole discussion with Ms Phillips, because we want to get feedback from her and give her our feedback. As part of the process we will be making recommendations, I hope. This is one area we could, perhaps should, cover.

We need another motion for William Wightman, to concur with his appointment to the Huronia Historical Advisory Council.

Mr Waters moves that the committee concur in the appointment of William Wightman.

Motion agreed to.

The Chair: Mr Abel moves that the committee concur in the appointment of Judy Rebick as a member of the Ontario Judicial Council.

Motion agreed to.

The Chair: Mr McLean moves that the committee concur in the appointment of Fayne Bullen to the University of Toronto Governing Council.

Motion agreed to.

The Chair: Mr Duignan moves that the committee concur in the appointment of Robert McMurdo as vice-chair of the Workplace Health and Safety Agency.

Motion agreed to.

The Chair: That is it. We can forget about the last item on the agenda. The meeting is adjourned. We will see you at 10 o'clock.

The committee adjourned at 1547.

CONTENTS

Thursday 13 February 1992

| | |
|---|--------|
| Advocacy Act, 1991, Bill 74, and companion legislation / Loi de 1991 sur l'intervention et les projets de loi qui l'accompagnent, projet de loi 74 | J-1797 |
| Regional Geriatric Program of Metropolitan Toronto | J-1797 |
| Dr Michael Gordon, geriatric specialist | |
| Ontario Hospital Association | J-1802 |
| Wilma Dare, chairman of the board | |
| Carolyn Shushelski, senior counsel | |
| R. A. Stradiotto | J-1806 |
| Toronto Mayor's Committee on Aging | J-1810 |
| Harriet Smith, chair | |
| Christine Hurlbut, member | |
| Family Services Centre of Sault Ste Marie and District | J-1812 |
| Mary Tasz, adult protective service worker | |
| Federation of Ontario Facility Liaison Groups | J-1816 |
| Margaret Paproski, president | |
| Janet Allingham, secretary | |
| Peter Delsnyder, treasurer | |
| John Propper | J-1819 |
| Canadian Diabetes Association, Ontario division | J-1822 |
| Peter Harvey, chair, social issues committee | |
| Adult Protective Services Association of Ontario | J-1824 |
| John Gearin, adult protective service worker | |
| Maria Van Hoeve, adult protective service worker | |
| Don Weitz | J-1829 |

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Auksi, Jutta, Ministry of Health
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Fram, Stephen, Ministry of the Attorney General
Spinks, Trudy, Ministry of Citizenship

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First Intercession, 35th Parliament

Official Report of Debates (Hansard)

Thursday 13 February 1992

Standing committee on government agencies

Appointments review process

Agency review:
Grand River
Conservation
Authority



Chair: Robert W. Runciman
Clerk: Douglas Arnott

Published by the Legislative Assembly of Ontario
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Assemblée législative de l'Ontario

Première intersession, 35^e législature

Journal des débats (Hansard)

Le jeudi 13 février 1992

Comité permanent des organismes gouvernementaux

Procédé de révision des nominations

Examen des organismes
gouvernementaux :
Office de protection
de la nature de Grand River

Président : Robert W. Runciman
Greffier : Douglas Arnott

Publié par l'Assemblée législative de l'Ontario
Éditeur des débats : Don Cameron

Table of Contents

Table of Contents for proceedings reported in this issue appears at the back, together with a list of committee members and other members taking part.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Thursday 13 February 1992

The committee met at 1009 in committee room 2.

APPOINTMENTS REVIEW PROCESS

Consideration of the appointments review process.

PUBLIC APPOINTMENTS SECRETARIAT

The Chair: Can we come to order, please. We are little bit behind schedule. The first witness this morning is Carol Phillips, who is the director of the public appointments in the Premier's office. Welcome again to the committee. As the members are aware, we circulated a questionnaire and Ms Phillips and her staff were kind enough to provide answers to a variety of questions and concerns the members have had over the course of the past year. We felt it was appropriate to invite Ms Phillips here today to discuss the operation of the committee, where she sees it going, where she thinks changes could occur and also to get feedback from the committee and perhaps questions on both sides. We are looking forward to an interesting hour with you, Ms Phillips. Would you like to say something to start off?

Ms Phillips: I do want to thank the committee for the opportunity of coming before you again. I think it is important that we continue to monitor the appointments process we have in place in the province, and where there may be concerns or suggestions for change or whatever, that we try to work those out together. I have a number of staff here also from the secretariat today, so if there are any of those questions you want to have expanded on in terms of answers or other questions you have about the secretariat, we will be only too pleased to answer those. We pride ourselves on our openness and accessibility. We will be be willing to answer any and all of those questions.

As a point of reference when I am talking about the staff, Nancy Pearson and myself are political, working out of the Premier's office; the other staff are civil service staff, maintaining the records and providing that important support function the civil service does in the government. May I, however, take this opportunity to say that if there are myths out there about the inefficiency of civil servants, those certainly are myths that are not proven by the people I work with and the service they provide.

Mr Jackson: Is that the difference between two and seven? They are quite capable; I know that.

Ms Phillips: Heather did not need many people to help her.

The Chair: Who would like to begin this morning? Mr Marchese, did you indicate so?

Mr Marchese: No. I thought perhaps the other members might want to start.

Mr McLean: Everybody is shy this morning. I am never too shy to ask a couple of questions. The first question I would like to ask is a matter of information I would

like to get. There has been a lot of advertising across the province; large advertisements in the newspapers. I would really be interested to know what the cost of the advertising is. I know we have them available in all the libraries in Ontario. I would be curious to know what the cost of the newspaper advertisements is.

Ms Phillips: In the Premier's statement in December, he committed to an ad on the appointments process. We held back on that ad because the response to the book itself was quite overwhelming and we wanted to be ready for the response to the ad. We were right to do so. The ad went into 43 dailies, French weeklies, monthlies, semimonthlies and native newspapers, and it is going into 168 ethnic newspapers in 36 languages, that group that was recommended to us by Management Board. The total cost of the ad was \$125,000. Of that, \$74,000 is the offset for the ethnic ads. There is a fund that government has long had for making sure that the ethnic communities are properly advised of the government initiatives.

Mr McLean: What is the budget of the secretariat? This is a new secretariat that has been established.

Ms Phillips: Yes.

Mr McLean: There are five or six civil servants now. Were they hired through applications, or how were they hired?

Ms Phillips: They were hired through the Human Resources Secretariat hiring through the competitive process, as civil service persons are hired. The 1991-92 budget of the secretariat, and it was a startup budget, was \$1.456 million. That included \$348,000 in startup expenses, including the computer hardware that went in. The 1992-93 budget is \$1.1 million and that is frozen at that level. Management Board and the government then want to do a review of the secretariat and the appointments process and come back to it at that point in time. That is our budget.

Mr McLean: I have one further area for a question, if I have a bit of time, Mr Chairman. I want to speak with regard to the way the letters are sent out and the advertising is done. I would like specifically to speak about the police services board. The letters go to the member, to city council, to the police services board. They are asked for input and they are asked for names.

In the case of the city of Orillia, that was done. There were names recommended by the city, by the police services board, and I do not know whether I sent any names or not. I do not usually, but I may have. I do not think so. Then other people, of course, apply directly.

The individual who was chosen there was not recommended by anybody. I have lived in the community for a long time and I had never met this person. She said she was involved in the community. She was here for an interview and it was the first time I had ever seen her. So I am

surprised, when the people are supposed to have been involved in the community, why you would not take a recommendation from the police services board or from the city council. This was an individual who was appointed, in my estimation, because of her political affiliation. The question is, is that a fair process to put the city and the police services board through, and then choose somebody nobody knows, not even the police services board?

Ms Phillips: I cannot speak to the individual specifically. I was not necessarily here for the hearing on that, so I apologize, because I do not know how it went. I would assume, though, in spite of the fact that you had not known her—and I know Orillia is not as big as Metropolitan Toronto, and you have been in politics a long time, so you would make the assumption that you would have known the person—that she was found to be qualified and, hopefully, a good representative of the public on that police services board.

I am sorry you did not take the opportunity to make proposals. We solicit quite broadly for every one of these appointments, including Orillia. One of the things we are finding, however, and hopefully we will overcome, is that there is a little bit of cynicism out there generally about how serious we are in soliciting those names. In fact, names often are not sent forward and we end up having to go out and search names ourselves simply because no names come in when we go through that process.

The police services boards are a good example of that. In a number of the smaller towns around Ontario we had trouble finding people for those police services boards, and that is a real shame. It meant that the pool of people we were choosing from was smaller than we hope it will be in the future.

Mr McLean: I can assure you that the pool sent in from Orillia was rather large. I did not send them in myself, but I have people I know of send them in. I am not taking anything away from the candidate who was chosen. I think she will do a super job; I think she will be an asset to the commission. The fact is, it was the process I was getting at. When the city police services board submitted names, none of those people was even looked at, apparently, and that is what made me ask these questions. Is that process really fair for those people, to go through all that work in council and in the police services board, and it is being ignored?

Ms Phillips: I assure you the people were all looked at.

Mr McLean: That is it for now.
1020

Mr Daigeler: I was surprised to hear you say you have not received that many applications on the police services boards, which seems to be in contradiction of what Mr Mackenzie wrote on January 20 to one of my constituents, where he says, "Further, this letter expresses some of the limitations involved in the selection process; that is, due to the high volume of applications, we cannot conduct personal interviews," and so on. Frankly, my experience is just the opposite. I have had quite a few people who have seen the ad come to my office. They were mak-

ing applications, taking the government at its word, thinking this whole process is meaningful, and then they never heard anything. They are very disappointed and upset.

So I would like to get a sense of how many applications are you receiving based on the ad. Frankly, it is my impression—perhaps all the people in Nepean just want to serve everywhere—that you are receiving a tremendous number of applications, and therefore I am not surprised that you cannot handle them. I am just wondering whether it is the right thing to do, to place ads all over the place inviting people to submit their applications, and they take it seriously, send in all their CVs and everything else, and then they never hear anything about it.

Ms Phillips: Let's make a distinction between the police services boards and the other agencies, simply because of the new legislation coming in on police services boards. As of January 1, we had a lot of new communities that needed police services boards and needed people sitting on those police services boards. The experience did vary; it depended on the community. From Nepean and the Ottawa area we get a large number of applications generally, not just for police services boards.

Mr Daigeler: That would be my impression, yes.

Ms Phillips: The Ministry of the Solicitor General and police services boards outside Metropolitan Toronto are the minister's prerogative, as opposed to the Premier's prerogative, but the Solicitor General's ministry would have responded to those individuals. You drew to our attention, I believe, on a couple of occasions, including a question in the House, a couple of your constituents who in fact did not receive responses. We straight away contacted those people to make sure they understood that was the exception and to make sure they were certainly responded to.

We have a lot of response to the Ottawa area because the CBC news at 6 o'clock decided on one occasion to highlight the book on agencies, boards and commissions, unbeknown to us, and that did elicit a lot of interest. The other thing—and hopefully we have been able to clarify this in our advertising—was that a very widely read columnist in the Ottawa Citizen wrote a column with a very bold headline saying, "Want a Job? Call Carol," and included our phone number and our fax number. You can imagine the response we got in the middle of a recession. It was not very fair.

Mr Daigeler: How many did you get? I get lots of calls too.

Ms Phillips: We got hundreds and hundreds, and they are still coming in. I think somebody must have posted it in one of the unemployment centres or something. That is unfair to the public to raise those expectations, because we are talking here about public service, not jobs.

Mr Daigeler: But the government placed an ad saying, "If you are interested, apply." So what is unfair?

Ms Phillips: The ad we placed, as opposed to the columnist, talked about public service on agencies, boards and commissions and clarified that there were a number of agencies, boards and commissions in this province. However, these were public service appointments to boards, not

jobs. The response to that ad has been very enthusiastic, and people fully understand we are not talking jobs here.

Mr Marchese: Ms Phillips, I can tell you I do not envy your job, and I recognize the paradoxical nature of your job as well, by the way, and the conflicting nature of it, because you will never be able to satisfy anybody. You will be attacked by those who feel you might have chosen a few who happened to have an affiliation, you will be attacked by many who know us who feel they are not getting access to those jobs and you will be attacked by the many applicants who apply and will not be able to have access to them because they cannot all get the positions. So I do not envy you at all.

I will not comment on the past practices in terms of what other governments have done in their selection processes; they might want to reflect themselves on what processes they had. Could you speak to the process of opening up access to different people who otherwise would never have known about these appointments, access to the different target communities that we feel are important to be a part of this process? Hopefully, we are hiring many more of them. Could you comment on all those aspects that I feel are very important?

Ms Phillips: In fact, the experience of opening up the process has been quite rewarding, simply because what we find when we make the process accessible is that there are people all over this province who want to put their names forward from communities which in the past were excluded from public appointments, from being able to serve. We have had a very enthusiastic reaction to the accessibility. Some people just send an application form in with the simple words: "Thank you. I always wanted to know how many agencies there were and how they worked."

Besides the public libraries and the bookstores, which sold out of this book on numerous occasions, the book itself has gone out to many community organizations. Many community centres have phoned in for new copies because people have walked away with the ones that were there—so that they could share them with their friends, I guess.

We have started keeping figures, because I think it is important that when we are talking about the success that we have out there, we do not continue to talk in generalities and self-congratulations in a general way. Of the full-time appointments that we have made until now, approximately 50% of them are women and approximately 20% of them are visible minorities. Right now, we are in the process of putting together a system where we can track those successes far more clearly. In the part-time appointments, the numbers are approximately the same, although in the area of visible minorities we are talking 11% or 12%, so we are a little less successful in undoing some of the past inequity in those areas.

Mr Marchese: In the last year or so, have there been things about this job that you have learned that you feel need to be improved, either the selection process or how we advertise or how members come here prepared or not? Are there things that you feel we need to address that this committee should know about?

Ms Phillips: The system certainly is not perfect, by any means. It will, as all systems do, need to change. One of the areas that has already started to be addressed by some of the members here today is that we want to make sure that we clearly respond to people so that the expectations that they have are not being unfairly dealt with, so that they understand very clearly what the process is, and they get a response when they take the time to write their wishes to us.

In terms of the standing committee itself, though, the second area of concern I have, which I hope we can address here today, is the time when the House is not in session and this committee therefore does not meet as regularly, as all standing committees do not. There are times when in fact we have appointees and the clock just ticks on the standing order for the 30 days, because you have, as a result of the schedule, not been afforded the opportunity to meet and review, or you have appointed somebody you want to review and there is no time to review that person within the standing orders.

1030

The second area is that if you take a look at the numbers there, you are reviewing approximately 10% of new appointees. Only you can decide as a committee whether or not you are satisfied with the number of appointees you have the opportunity to review. But I hope you revisit that: 10% may be a good sampling or it may not be. That will have to be something you decide.

Mr Marchese: A matter of conflict of interest was raised yesterday in our discussion as we interviewed one person. Perhaps other members might get to that later on. Can you comment on your role in identifying conflict, your role in advising the member or this committee about possible conflict? Do you have such a role, or is this something that we need to deal with as a committee?

Ms Phillips: We attempt very clearly to make sure in the public appointments secretariat that the intended appointees who go forward do not have a conflict with the board business that they are going forward to perform. However, if the committee identifies something that is a possible conflict—that usually happens ahead of time, hopefully—then it becomes a responsibility in the day-to-day business of the agency itself; it becomes a responsibility of the chair.

Conflict itself however, as you know as MPPs, is primarily a matter of personal responsibility and integrity. There may be, for any given member at any given time, an item of business that arises in which he or she may have a conflict. So we really do depend a lot as well on the integrity of the appointees themselves to declare that conflict, to clearly recognize one that may occur, and to have understood the directions given by the chair and the agency.

Mr Jackson: Carol, it is good to see you before us at the microphone. I know you have been able to participate in a lot of our deliberations daily, so you have been present when a couple of these issues have been raised. That is helpful to the committee and to this particular portion of our getting together.

Let me start with a statement. I am one of those who is not having great difficulty about making sure that our boards and commissions better reflect the changing nature of our communities; I am not one who has difficulty with that at all. However, when I see that that is a policy statement, and therefore should be a guideline, I tend to say to myself, as is the case that I raised yesterday with the police services board, that in fact we are seeing much more of a political approach than we had hoped for. I am not saying that a political approach is going to be avoided. I have been around this building since 1970 and I have seen all types of it, whether it is Ian Deans getting an appointment from two different governments and two different parliaments or whatever, or Mr Brandt going on a commission, or Mr Martel. It is a political process.

However, here I want to get into some concerns I have, and I want to share them with you directly. Concern has been raised about this issue of people writing in and letting you know that they would like to serve. Now, there has been a lot of controversy about the police services board appointments, and mine has been no exception. We have a letter to Mr Andrew Mackenzie—and you obviously must have known—back on April 5, 1991, from Mr Paul LaFleur. That is fine. He submitted his name and he was on a list.

The Chair: Mr Jackson, I want to interrupt you at this point just to make sure that both you and the witness are aware—I am sure the witness is—of the standing order that we cannot get into specifics about an individual appointee. We are restricted by that standing order. In reviewing an intended appointee, we cannot call a witness other than the intended appointee, so if you are going to discuss the question of conflict, I would rather you do it, if you have to do it, in terms of generalities and not deal with specifics.

Mr Jackson: All right. I am not even at the conflict point yet, Mr Chairman, but thank you for the guidance.

The Chair: You raised a name, and that is out of order.

Mr Jackson: The point I am trying to get at here is that when an inquiry was made to your office—which you have said is a political operating out of the Premier's office, as distinct from the civil service section—you advised that there were very few applications for that police services board. When I contacted Mr Mackenzie yesterday, he indicated to me that there were 15 to 20 applications. Given the fact that I am aware that at least two of those 20 applications were from visible minorities, I am a little bit surprised to find out that we have an appointment that does not necessarily conform to that.

Can I ask you why Mr Mackenzie would be aware that there were 15 to 20 applications for the police services board, and your office—and the person I talked to indicated they had had a conversation with you in particular—had subsequently sent them out application forms, but you had indicated, "It's not our fault if not everybody applies and we didn't get any applications." I am wondering why there would be this apparent breakdown between your office and Mr Mackenzie's office on something as substantive as how many applications for a specific position had been received, either by Mr Mackenzie or by your office.

Ms Phillips: I have to admit that I do not remember a conversation on this specific item, but it is entirely possible, since we get a number of inquiries from MPP offices and we attempt to clear up every question that there may be about appointments. We are usually successful in doing so.

These are ministerial appointments. Until January, there was an advisory committee in the Solicitor General's office that screened all of the applicants, and all of the applicants came forward. The role I would perform in those Solicitor General appointments would be ensuring that there were not an inordinate number of any overall group coming forward in terms of appointees. So the question I would automatically ask on a police services board like that is, what is the composition of the board as a whole? Then I would pursue it from there.

Mr Jackson: That was my concern, because we have no visible minorities on our police services board. We would like to. The fact that we have been encouraging them in our community, that they are on file but have been passed over, is of concern to us.

It puts me in the uncomfortable position when asked "What is it I am doing wrong?" of having to say: "Well, if you've got any part of your background where you've been involved with a trade union, if you've ever grieved, put it in your application; it will help. If you can see your way clear to go out and join the NDP, it will help your application." I do not appreciate being put in that kind of position in order to promote applications which I see are not getting—I would not know this if I had not talked to Mr Mackenzie yesterday to see the large number of applications on file for the police services board in Halton.

1040

Ms Phillips: I think that generality is unfair to the appointees who are on police services boards. The fact that they are a New Democrat—

Mr Jackson: No, it was on the appointments before this table. Four out of the five appointments yesterday were card-carrying NDPers, and we did not object to that. We simply acknowledged it. I said this is an intensely political process. I am simply saying that I am a little concerned when we are trying so hard in our community to get visible-minority representation on our police services board. Chief Harding and our group are doing an outstanding job in this province, yet our board does not reflect that.

Ms Phillips: I hope we are going to be able to work with you to in the future ensure that that board is more reflective. At the time of this selection, I am supposing that the Solicitor General and his staff made the decision that this was the person, for a variety of reasons, they wanted to go forward with. I do not mean that by way of an excuse. I agree with you: The boards, including the board in your area, have to be more reflective of the community.

Mr Jackson: My only point in raising it was that there is apparently, on the face of it, a breakdown between the Solicitor General's office and your office, and I understand that your office is to be guiding, supervising and overseeing to ensure that these kinds of appointments are being promoted. That was my understanding.

Ms Phillips: We certainly are, and I would challenge you to—

Mr Jackson: I will tell you the name of the police officer who called you in the last three weeks and—

Ms Phillips: A police officer called us?

Mr Jackson: Yes, with respect to—

Ms Phillips: That I would remember.

Mr Jackson: Well, we will talk about that.

Ms Phillips: I do not mind having this discussion with you at all, and at any time.

Mr Jackson: I am serious. We have got two new appointments coming up, and we are anxious to get a visible minority on the board.

Ms Phillips: But I would challenge you to compare the representativeness of the members of police services boards now across this province. You may find individual exceptions, and they are bound to be there because we are not perfect, as those who went before us were not.

Mr Jackson: If I may, Mr Chairman, I have one brief question generally to deal with the issue of conflict, in spite of the fact that Ms Phillips was present yesterday when this discussion came up. I guess the committee has a general question about—

Ms Phillips: I am sorry, I was not present.

Mr Jackson: You were here yesterday.

Ms Phillips: Yes, but I was not here for this, no.

Mr Jackson: You were here when we discussed the appointment for the purposes of the vote, as I recall.

Ms Phillips: No, I was not. I was here for when Mr Herrndorf was called before you, and then I returned for when Mr Bullen was here, and those were the two I was here for.

Mr Jackson: The question has been raised as to who identifies conflict of interest, because your guidelines do not necessarily address this in any detail; no formal process exists. At what point do you determine that there is a potential conflict of interest in an application? Have you rejected an application for any board or commission simply because, in your opinion, there was a *prima facie* case of conflict of interest that was apparent?

Ms Phillips: Yes, we have.

Mr Jackson: What is the process you would follow? Because in a general case we were discussing yesterday, this was identified by several parties, but nobody seems to be in a position to arbitrate, rule or guide the applicant, the board on which he or she will serve, or this committee, which processes or reviews the application. Can you help us understand that?

Ms Phillips: On conflict questions, in our interview process, especially for quasi-judicial or police boards or commissions that make quasi-judicial decisions, we very often ask the persons themselves if there is anything that they think in their experience could possibly be a conflict. We ask them that directly. We take a look at their background as presented to us on their résumé, and also make our own determination as to whether or not there could be a conflict.

I think it goes without saying that putting forward an applicant who could potentially have a conflict would be an embarrassment for us, so for us as well it is an important consideration. However, if there is a question, what we will often do is to ask the legal counsel in that ministry what they think in terms of a possible conflict situation, and we have done that before. Before the appointee comes to this committee, we have taken as many steps as we possibly can.

Mr Jackson: In the general question I am raising—

The Chair: Could you make this one brief, Mr Jackson? There are still others with questions.

Mr Jackson: Yes. The hypothetical scenario is, where the applicant comes before this committee and openly admits that he feels it may be a conflict of interest and that is his own legal opinion, and we have been advised that the ministry did not entertain the legal question, what does that say to this committee when we raise matters that emanate from the applicant that there may be a conflict of interest? Speak to us about what position that puts us in as a committee charged with responsibilities—whatever they are. I assume they are to review the appropriateness of the appointment, because we seem to be the only authority putting a stamp of approval on it, but in fact you are saying there should be a process to ensure that it has gotten the government stamp of approval before it comes to us. I mean, this appointment has the Premier's signature on it, this hypothetical one.

Ms Phillips: I think that, first of all, it would be a highly unusual situation where an appointee himself would declare to this committee that he had a potential conflict.

Mr Jackson: Hansard would be great reading for you.

Ms Phillips: There are more occasions than the hypothetical occasion you are talking about?

Mr Jackson: The hypothetical occasion occurred yesterday.

Ms Phillips: Yes. I think it would be highly unusual, first of all. I also put to you that some appointees could be wrong in terms of that conflict question as well, and that while that does not mean you should not consider their opinion—among lawyers you certainly get a variety of opinions on any given question—while you should consider their opinion, they could be wrong. But if you do not think they are wrong, then I think you as a committee have got to discuss that possibility.

Mr Jackson: My last question then is, by your own presentation to this committee, we find ourselves in this hypothetical scenario as follows. We are told that a matter, when raised, should be checked by the legal department of the appropriate ministry. The deputant comes forward and says, "I think there might be." We can listen to or reject that opinion, but in fairness to the applicant, he has at least indicated that there might be. So morally he really is off the hook. He is not trying to hide it. It is his opinion.

We are bound by the guidelines of this committee that we cannot extend the review of a given applicant beyond a 24-hour period. We are unable to bring in this legal opinion from the appropriate ministry to give us the assurances.

Certainly on a recorded vote I am left with no opinion to cover myself to vote against an application, simply because the ministry did not come forward with the legal opinion when this committee, in all fairness, would like to have the matter clarified. You see the situation, this hypothetical situation we find ourselves put in.

Ms Phillips: Yes.

Mr Jackson: It flows from the rules and guidelines we must follow as a committee. All parties were in agreement in this hypothetical case that we should hear that legal opinion, which you say is available as part of your process, that it just has not been shared with this committee.

Ms Phillips: I think we also have to understand that the appointee will then go forward to a board which will have a chair. If that chair has any doubt whatsoever about that appointee being in a conflict position and he or she contacts us, we do have the power to revoke orders in council as well, if that is the case. Hopefully it would be the exception.

1050

Mr McGuinty: Ms Phillips, you will know that I have been critical of the process here and the limitations it imposes on us as members of the committee. I am going to be frank with you. I think this is a wonderful, masterful exercise in public relations. You have to have some grudging respect for the architecture, the structure that has gone into this.

You have prepared a guide, you have a budget of—I guess we are up to \$3 million by the end of 1992-93. We have distributed this widely throughout the province. We have given the impression that there are many jobs available. Notwithstanding what you said earlier, people who come into my office believe there are jobs, but a great many of those in fact do not pay. At the same time, we have given the impression that appointments are subject to review by an all-party committee which purports to carry some kind of authority in terms of reviewing that appointment.

The problems we have at this committee are those I am going to speak to right now. You have heard them before, but I want to put them to you again and I want to get your response to them.

First of all, we simply cannot deal with the number of appointments that are being made in this province on an annual basis. To date we have only dealt with one tenth.

Second, if we do not deal with an appointment we have chosen within the allotted time, there is deemed concurrence, rather than some kind of provision which would allow us to deal with it at a later date.

Third, the time available for interviews is very short. We simply cannot fully explore all the issues which ought to be explored if we are going to do as the Premier said, and I am going to quote from his statement of December 10, 1990, in the House, "We're going to ensure a fairer selection of the best possible candidates." He used the word "best."

Fourth, we cannot in this committee obtain extrinsic evidence. That means we cannot hear from potential fellow workers, we cannot hear from people who have

worked with these candidates in the past, we cannot deal with letters of reference; in other words, we cannot do a decent job of finding out what this person is all about and whether in fact he or she is the best possible candidate. So I cannot vote in favour of any of these appointments as a general rule—there have been a few exceptions—because I do not know who they have been up against. We are not provided with that list and we are not provided with the credentials of the others these people have been up against.

The next problem we have is that of course there are more NDP members sitting on this committee than there are of the other two parties combined, and as might be expected, if we think there have been some 90 appointments that have been dealt with by this committee, there is a potential there of 540 votes being cast by the government members. Do you know how many of those 540 votes have ever voted against an appointee? Zero, and I would be astonished if we ever have a government member vote against appointment.

Sixth, we have no right of veto. Even if the government members decided in their heart of hearts that this was not the best possible candidate for the job, our committee is powerless under the terms of its mandate to stop that from going through. Unless the Premier decides to agree with us, it is going to go through, and he has never made any kind of commitment to go along with what this committee does in terms of rejecting an appointment.

I wonder if the advertising you are sending out, Ms Phillips, says: "Don't worry, folks. There's only a one out of 10 chance you're going to get called for review. Even if you do get called for review, nobody is ever going to vote against you on the government side. We've got the numbers."

First of all, do you acknowledge those as being real problems, and what are you prepared to do to address them?

Mr Marchese: Dalton, I presume you want to return to the old system where someone close to the Premier would make the selection process and that would solve all the problems.

Mr McGuinty: Mr Chair, I have addressed my question to the witness.

Mr Marchese: I understand that.

Mr McGuinty: I wonder if the witness might be permitted to answer.

Mr Marchese: I am just reminding you of the old practices in your government, Mr McGuinty.

The Vice-Chair: Would the witness please address the question.

Ms Phillips: Mr McGuinty, I hope you understand that I am going to assume that some of your questions were rhetorical. However, I think that overall, what we are attempting to achieve is not a perfect human resources system, and we do not claim that. This is still a small-p political system in which the government maintains the right to govern. We have said very clearly we want a more open, more fair, more accessible system, but in the final analysis you are right: The decision will be made by the government of the day.

I hope one day that we will have the chance—I am torn on this. I hope the appointees we continue to put forward are members of the public that we are proud to put forward and that we are confident will do a good job on agencies, boards or commissions. But should that day come when this whole committee has very clear concerns about any individual appointee and this committee as a whole says that it has a problem with that appointee, I think you know that in the realm of politics, the Premier would be in a very difficult position in disagreeing with this committee.

Mr McGuinty: Are we after the best? I am going to use the Premier's words. Are we after the best possible candidates?

Ms Phillips: Yes, we are.

Mr McGuinty: Then why are you not prepared to share with us information that would allow us to decide whether in fact we have before us—the people who sit in that chair—the best possible candidate? Do we have to take your word that they are the best possible candidate?

Ms Phillips: In a group of Ontarians who put their faith in us by putting their names forward for consideration, those we choose not to go forward with may be good, well-meaning, talented people we have to say, "No, not this time" to. I do not think that you would expect us—or I hope you would not—to have their names put forward as the ones who were rejected. Some of them are just, in that situation, not the best candidate. That does not mean they are not good, well-meaning Ontarians.

Mr McGuinty: So you are restricting under yourself, under your secretariat, the decision-making power with respect to who is the best possible candidate. Then why do we have this committee?

Ms Phillips: You have this committee to make sure that the people we put forward are qualified and can withstand your scrutiny. When we say to people on the telephone, "You understand that you may have the chance to be called before this committee," I assure you every one of them expects they are going to be the one to be called, and they have to think very hard about whether or not they want to go through that process. Most of them welcome it, because whether they are New Democrats or whether they are Liberals or whether they are trade unionists, who I would say in the past have mainly been excluded from appointments other than the traditional labour appointments, or whether they are visible minorities, who it is assumed are put forward for crass numbers reasons other than their qualifications, they hope they will get the chance to sit here before you and say, "I want to speak to my qualifications so you know I am qualified and willing to serve and have a lot of talents to offer."

Mr McGuinty: I have no doubt whatsoever about the sincerity of the people who appear before us and of their earnest desire to serve to the best of their ability in whatever position the secretariat has chosen for them. My concern is with the process, which we are being told is to ensure, first of all, that we get the best possible candidate. That, you should recognize, means a purely subjective test. What is the best? It is purely subjective.

Ms Phillips: It is always subjective.

1100

Mr McGuinty: The Premier did not say that. It does not say in the advertisement it is going to have to be an appointment which is considered the best by the government of the day: "If you think the way we do, then you have a better chance of getting that appointment." It does not say that in the ads.

What has been the cost to date to fill those 900 jobs the secretariat has filled?

Ms Phillips: I am not sure I can answer that thoroughly. I have shared with you the budget. You can draw what conclusions you wish as to how valuable the process has been. In the final analysis, I guess the people of Ontario will decide whether or not they are happy with the system itself.

To speak to the subjective-versus-objective issue, however, as a trade unionist myself who spent a lot of years at grievance hearings fighting job-posting grievances: If you, sir, can invent a totally objective way of promoting the best people, you should leave this place, because there is a world out there waiting for that totally objective system. We only claim to make it more open and more fair than it has been in the past, and I would put our system up against previous governments' systems any time in moving towards that eventual objective.

Mr McGuinty: I guess it would be fair to say that you have spent in excess of \$1 million to fill 900 jobs?

Ms Phillips: Democracy does not come cheap.

Mr McGuinty: Do you know what those 900 jobs would pay?

Ms Phillips: Those 900 appointments?

Mr McGuinty: Yes. How many of them would be paying and how many would be non-paying?

Ms Phillips: I can, if you want, do some of that breakdown for you; however, not here and now, simply because I would be merely guessing, and I do not think that is fair to your question.

Mr McGuinty: All right. I would appreciate it if you would get that information. My concern, you see, Ms Phillips, as you may gather, is simply that from an economic perspective, if you spend \$1 million in order to fill a number of jobs, it is my belief that when you total up the salaries, they are paid very little. A lot of those jobs, and I use the term loosely, are in fact positions which call for community service. That \$1 million, which will total \$3 million by the end of 1992-93, is not really justifiable economically. Rather, it gives the impression that there is openness, that there is fairness, and that we are getting the best possible candidates for the job, when, as I have indicated, in light of the tools we have been given to do this job on this committee, I do not really understand why I am here, what I am doing. I feel that I am party to a fraud that is being perpetrated on the Ontario public.

Ms Phillips: I cannot help you out on that. But I can tell you that the chairs of agencies, boards and commissions that I have spoken to have said that the appointees that they have these days are making a very valuable contribution

in a different sort of way, because so many more of them understand how they got there, what the expectations of them are ahead of time in terms of the number of meetings to attend. In the past, when we simply had riding presidents who were given appointments to agencies they had neither any interest in nor any desire to participate in, and therefore did not turn up, it was not a very good way of serving the public.

I think the question you are asking, however, is in terms of value for money. If you believe that agencies and public members on the boards of those agencies are important, then I think you have to assume that interested, active people who have thought out that position will make a much better contribution to the proper, efficient running of that agency than those whose names appear.

The Chair: We have to, in the interest of fairness, move on here. We have three other members who would like to ask questions and we are running out of time.

Mr Klopp: Very quickly, a point and then a question.

The police services board has come up a number of times. I come from a rural area where we did not have police commissions and it was a whole new ball of wax. For us to start this new system was just an added, whole great weight. I can say that in my area we did have a lot of problems getting people to apply, out of cynicism, out of feeling, well, it is a joke. But I also know that in about four of my towns people did send their names in. There was not this feeling that they are phoning up the member of Parliament and asking him, "Look, I want to get on," or "I don't want to get on." I think the system is going to be far more fair and open.

I remember one councillor making the statement, "Oh, they're government appointments so they're just going to do what the government wants." I found that quite amusing, because I come from a small area and everybody knows how everybody votes and how much money you make and how much money you spend and how many whatever. I looked with the goodness of my heart, because I see not one person I did not know—I know who they are. Talking about politics, it finally got out of the system, and they live in the community and I think they are going to listen to their fellow neighbours and make a whole lot better thing on those boards. So I think the system will in time be very open and very much better, and I appreciate the system.

The question I get a lot of times from rural Ontario: We sometimes ask farmers to be on farmers' commissions, on a board or something. That is how it has been; now with this open system, they can write in letters. Will this system allow, say, a farmer to get on another board, other than just directly on to a farm board? He could maybe get on to something else?

Ms Phillips: That is part of what we have been trying to address in the agency, boards and commissions, and that is to get away from the traditional composition of any given agency, board and commission so we can hopefully broadly represent the interests. There is absolutely no reason why we should not have an agricultural representative, for example, on the board of Ontario Hydro and we are work-

ing on that now. There is no reason why an agricultural representative does not have things to say about any area of any agency whatsoever. That perspective, that rural perspective, that agricultural-farming perspective as well, just needs to be brought to a lot of these boards that were considered urban boards before, big city boards.

The Chair: Mr McLean, do you have a question?

Mr McLean: Yes, I have. If we want to find out who to write to, who is the head of the secretariat?

Ms Phillips: I am.

Mr McLean: I thought it was a non-political body.

Ms Phillips: I explained to you at the outset that I am the political person, as is Nancy Pearson. If what you require is information that is of a recordkeeping nature, etc, we have a manager, Marilyn Sharma, from the civil service. Any of those types of questions will be answered by any of the civil servants in there.

However, I would assume that on some of the things we would be speaking about you may want to speak to a political person. If I am wrong in doing that, you can speak to anybody you want to. As a matter of fact, one of the things that has surprised me is that we do have a walk-in reception area, but I have never had an MPP, and that goes for my own party as well, walk in that door.

Mr McLean: Where is it?

Ms Phillips: It is in the Macdonald Block.

Mr McLean: And what is the room number?

Ms Phillips: It is M2-70. It is the old wedding registry area.

Mr McLean: I just have one final one that is really an observation, Ms Phillips, on the first question I had. The fact is, some members that had applied for the police commission position received a letter after the appointment had been made thanking them for their application and that their letter would still be looked at. So perhaps you could let them know—I mean, they should have the letter before the appointment is made.

Ms Phillips: Mr McLean, believe me, after the number of comments I have heard here today about police services boards, one of the first meetings I will want to hold is with the people in that ministry and ask them how we might improve this system.

1110

The Chair: I have a couple of questions for you, Ms Phillips. Mr Jackson raised an issue with respect to an appointee we deliberated on yesterday, but because of some concerns that were expressed, we deferred a decision until later today, and we have asked some officials from the Ministry of the Attorney General, who are going to be appearing after you. We have a problem, of course, as I mentioned during Mr Jackson's questions, by the restrictions placed upon us by your government. In fact, the standing order indicates that in reviewing an intended appointee, the committee shall not call as a witness any person other than the intended appointee. So when we are talking about these types of questions, we cannot deal with

specifics and specific intended appointees with anyone other than the individual who is the intended appointee.

I am wondering what the rationale is of the men or women who draft this kind of legislation and incorporate this kind of restriction on the committee. What is the rationale? Why do you feel that this committee should not have the flexibility to call other witnesses who may have something to contribute in a very significant way in respect of whether or not this individual is qualified, whether he or she may have a conflict—a host of questions that should be of concern to you, not just to this committee.

Ms Phillips: I cannot speak to what the system will eventually evolve into, but the original intention was to have the specific appointee come before the committee and speak to their qualifications, if the committee desired that. What we wanted to avoid was the situation where the committee may call witnesses who may cast aspersion as to some aspect of that person's moral fibre, etc.

We in no way meant to restrict the type of information or the type of advice you are talking about. Possibly we assumed those kind of questions would be able to be accommodated through the researcher within that period of time, without public deliberations. We do not want to get into a situation where appointees feel compelled to bring legal counsel. We are not interested in the Senate hearings situation they have in the United States. Perhaps if we reviewed Supreme Court judges as they do in the United States that may be something that we get to, or if we reviewed other people at that level. But for the most part, the people we are dealing with here are members of the public putting their names forward for public appointments.

The Chair: The reality is that the government has a majority on this committee. In respect to the need for calling witnesses, obviously they can always exercise their majority vote if indeed they do not feel, for whatever reason, it is appropriate to call a witness. But I think in situations that can arise like the one yesterday, where all three parties agree it would be helpful to the process to be able to call independent witnesses in, or someone who may have information, it would be very helpful, not just to us but the government as well, in respect to that potential appointee. I have extreme difficulty with the way the committee has been handcuffed in that respect. I hope it is something that you will take back to whomever makes these kinds of decisions for the government.

The other area I wanted to mention is with respect to people being reappointed. I have some concern about that. We had Ms Susan Eng before us a few weeks ago. The only reason we had her before us was because this committee, as part of its other responsibilities, is doing a review of the Metropolitan Toronto Police Services Board. During the course of those discussions, Ms Eng indicated that she has been reappointed, or there is an indication from your office or the Premier's office that she is going to be reappointed. Those are the kinds of appointments I think this Legislature should have some input into, because there is indeed a specific example of a very controversial appointee. There are a lot of views with respect to Ms Eng as to whether she is doing a good job or whether she is doing a destructive job.

You can take either side of that coin, but I think those are the kinds of appointments or reappointments that we should have an opportunity to have input into as a committee.

Ms Phillips: In speaking to that, I guess the way we look at it is that those people we are reappointing were not our appointees in the first place, in the first parts of government. Susan Eng, for example, was not our appointee.

The Chair: I understand that.

Ms Phillips: The fact that she is chair of the board was as a result of an election, not because we appointed her to be chair of the board.

Mr Jackson: You had better read Hansard again. She was asked that question. Check Hansard.

Ms Phillips: We did not appoint her as chair of the board.

Mr Jackson: She was asked by your office to run for chair. That is in Hansard.

The Chair: I think we all appreciate the politics of that matter.

Ms Phillips: However, with the people you are asking to review, we are in a difficult situation as government because they were not our appointees in the first place. We are reappointing another government's appointee. We could be accused, I think, of some crass political shenanigans if we were—what position does that put us in, to defend another government's appointee? However, by the time we get further into our term, you will have had the opportunity to review all our appointees, because they are appointees.

The Chair: I do not think in terms of being accused of crass political opportunism or whatever, because you do not make the decisions for those reviews. It is this all-party committee that makes the decision as to whether or not it wants to review an individual appointee or, if we had the opportunity, a reappointee. It is not the government that is making those selections; it is this committee. So I think you do not have to concern yourself about that. Those were the two concerns I wanted to get on the record.

We will take another five minutes or so. Ms Akande, you have not had a chance yet.

Ms Akande: I was interested in going back to the democratization of the process, the opening up of the process. It is expensive, and you have already mentioned that. I am interested in knowing what was there before for you to build on.

Ms Phillips: Obviously, there was no secretariat prior to the secretariat.

Ms Akande: What was there?

Ms Phillips: From the description that I have had and my own personal experience, Heather Peterson was the political person who met with the Premier, David Peterson, and between the two of them they decided on who the appointees would be. She was also the sole outreach person for candidates who were coming forward. Prior to that, I can only speak to some of the historical versions, which may not be true; I guess the party that was there can correct me if I was wrong. Apparently those deliberations were

held in the Park Plaza Hotel over breakfast in terms of making the selections there.

The Chair: Just a rumour.

Ms Akande: So if there was no secretariat there was no review committee.

Ms Phillips: That is correct.

Ms Akande: I see. Then how were appointees reviewed?

Ms Phillips: Appointees were not reviewed.

Ms Akande: Without question.

Ms Phillips: Yes.

Ms Akande: Could you tell me then, what did the boards look like in terms of the ethnic composition?

Ms Phillips: We are still trying to determine that. We have a full-time person now who is trying to get a snapshot of exactly what the boards look like now. I can tell you, however, that when we reviewed the boards to try and determine what our target group would be, how broad our target group would be in terms of new appointments, almost without exception the boards were dominated by white male appointees. Not "almost without"—without exception.

Ms Akande: So the boards have changed. Has the competence level of the boards changed?

1120

Ms Phillips: I believe the competence level of the boards—I do not want to cast aspersions at all on the previous appointees. I have had no complaints whatsoever about the way the boards are now operating at the agencies.

Ms Akande: Now you have boards that are more representative of the population. Both women and ethnic groups are on them and they are performing well.

Ms Phillips: They are performing well.

Ms Akande: They are performing well. What are the roles of some of these boards? Just pick a board, any board.

Ms Phillips: We have, as an example, the Social Assistance Review Board—

Ms Akande: That one I know.

Ms Phillips: That one you know the Human Rights Commission as a board; we have the Commercial Registration Appeal Tribunal, for an example; the Criminal Injuries Compensation Board; the police boards that are called a fair bit here.

Ms Akande: So in other words, if I can just sum up, we have spent about \$1.4 million the first year?

Ms Phillips: Right.

Ms Akande: And \$1.1 million the second, and we have achieved boards that are more reflective of the population they serve, that are equally competent, that know their roles and that everyone has a chance to be part of. I think it is worth the money.

Ms Phillips: Thank you.

The Chair: Mr McGuinty for about two or three minutes; then we are going to have to wrap up.

Mr McGuinty: Ms Phillips, you will know that it is my opinion that nothing has changed; only the impression

the government is sending out has changed. I believe the emperor is not wearing any clothes. I want to give a constructive comment and not be seen as purely critical.

Mr Macaulay prepared a very comprehensive report in 1989. You will probably be familiar with that. He suggested that the best thing we could do would be to take this appointments process out of the hands of politicians, all politicians, that a separate agency of some kind be set up that is independent of the government, independent of the government of the day, of the various whims of the various governments, and that this body be used to ensure that the agencies, boards and commissions which are funded by the taxpayers of this province are filled with competent, capable, dedicated people. Have you considered that?

Of course the downside of that is that you cannot appoint people who think like the government of the day happens to think. But if we are truly to be fair, open and impartial, why would we not go that way?

Ms Phillips: Mr Macaulay made a number of interesting proposals, some of which we have already incorporated in our new process. The proposal you are talking about ran to quasi-judicial bodies. What he wanted to do was to make those bodies more judicial. I put it to you, Mr McGuinty, that if you are worried about the cost of the secretariat, I would have nightmares about the costs of a quasi-judicial selection committee of judges and lawyers who decided who was going to go in and for how long, and in fact took away the subordinate court role of those quasi-judicial bodies and made them into formal court roles, which is essentially what Mr Macaulay wanted.

We in fact took a look at the 1986 all-party unanimous report to the Legislature on appointments and incorporated almost every single one of those, which your government chose not to. In incorporating every single one of those we did leave out the right to veto, and we admit that, but I think we have gone a long way towards doing it.

As to your assertion that nothing has changed, there is one area we are quite proud of. In the last meeting I had with the body known as Chairs of Agencies, which no previous government had ever met with before, the Chairs of Agencies told me that the role we play in providing them with packages when they need candidates for their boards is invaluable and a role they have never had before. They traded stories among themselves—the Environmental Assessment Board chair, for example, and a number of the other chairs—about how amazed they were that when they called up and said, "You keep bothering me about the fact that I've got no native people on my board; I need people with legal training," within 24 to 48 hours we in fact can give them a package of 10 to 12 native lawyers of either gender who have put their names forward and offered to serve this province.

I challenge and will continue to challenge your premise that nothing has changed, because if what you are talking about is entirely depoliticizing the process, I do not know if that will ever happen. It may one day. We do not claim it has happened yet; all we claim is that it is more open.

Mr McGuinty: Are you prepared to do that?

Ms Phillips: I am not an elected person; I am merely a political adviser. The politicians are going to decide whether or not they want to give up this right they have had for a lot of years.

Mr McGuinty: What is your thinking on that concept that we entirely remove this appointment process from the politicians?

Ms Phillips: My thinking on it is that if agencies continue to be vehicles by which government policy is carried out outside of ministries, it would be very difficult to comprehend that being possible. If agencies themselves turn into having different roles, then it may be possible. In the present roles of agencies, boards and commissions, I do not see that it could work.

The Chair: Thank you. We have gone a little bit over what we had originally scheduled in terms of time. We appreciate your cooperation, Ms Phillips, and the responses.

Ms Phillips: If there are other questions as well, we are there every day.

The Chair: Yes, I appreciate that. I am sure that at some juncture in the next little while we will be making a report which will deal with concerns and recommendations and how the committee feels the process can be improved upon. Once again, thank you very much.

At this juncture we were supposed to have representatives from the Ministry of the Attorney General to deal with this whole question of conflict, especially as it relates to police services boards. They assured us that they would be here at 11:30 and we do not see anyone here. I am not sure what the committee wishes to do at this juncture.

Mr Marchese: Can we delay that, Mr Chair? Obviously the person might be available to come—

The Chair: My concern is that it upsets the whole agenda again today, because if we break now for five or 10 minutes you know what it is like getting a quorum again, getting started so shortly before noon hour. It is going to impede our ability to ask questions with respect to this issue in terms of time as well.

Mr McLean: Can we not deal with Grand River, the briefing on that?

The Chair: We can deal with the briefing. Are you suggesting that be in a closed session?

Mr McLean: I do not think it is necessary, is it?

The Chair: I do not think we even need the briefing session on it. It is up to the members, whether they feel it is important to have this briefing session on the authority we are going to be dealing with this afternoon. How do you feel? We have all the material. It is just a question of doing something unprecedented, and that is reading the material.

Mr Marchese: There is a picture on the one; there are pictures.

Mr McLean: Are we going to deal with the appointment, then? If they are not here we do not have much choice, do we?

Mr Jackson: Are they not coming?

1130

The Chair: They are not here and we indicated 11:30, so I am going to suggest, if they are not in sight—we will

try to work this out in the next half-hour and see if we cannot squeeze them in. The trouble is that we have time pressures on us this afternoon and a lot of the members have to catch flights, etc. It is going to make it difficult. Mr Jackson.

Mr Jackson: Are we not on the agenda? On the agenda we were to get an in camera briefing. Are we not going to get that?

The Chair: We have decided we do not require it.

Mr Jackson: I apologize; I just stepped out. What is the final word on the Attorney General's office coming forward?

Mr Marchese: They are not here.

The Chair: They did not show up.

Mr Frankford: Who were those two men?

Mr Marchese: Maybe they were part of—

The Chair: No, they were not. The clerk inquired and they were not representatives of the AG's office.

Mr Jackson: It is 11:30 and they said they would be here by 11:30. They are a no-show.

Mr McLean: Let's deal with the appointment and get it over with. There is no point sitting around.

The Chair: That may pose some problems as well, because of questions about the timing of the decision. If it looks like we are going to have a division on this in a negative sense, I think it is only fair—

Mr Jackson: Is this in camera?

The Chair: No, it will be open.
Are they here? Fine.

I should advise members again of the limitations placed upon us by the standing order, that we cannot get into specifics about the appointee we were interviewing yesterday. We have to talk in broader terms about the whole question of conflict, and perhaps how it applies to police services boards, those kinds of questions, but not about the individual.

MINISTRY OF THE ATTORNEY GENERAL

The Chair: Welcome to the committee, gentlemen. We know this is short notice and we appreciate your being here today. Perhaps you could introduce yourselves and tell us your responsibilities within the ministry, for the purposes of Hansard.

Mr Johnson: My name is John M. Johnson. I am Assistant Deputy Attorney General for the civil law division.

Mr Peters: My name is Wilfrid Peters. I am counsel in the crown law office - civil, at the Ministry of the Attorney General.

The Chair: I do not know if you gentlemen have an appreciation of what you are here for today.

Mr Johnson: Not really.

The Chair: We have some restrictions and you have some restrictions as witnesses placed upon you by the standing order under which this committee operates. Some concerns arose in respect to conflict during an interview process with a specific witness to a police services board yesterday. We cannot get into that specific situation, and neither

can you, as a result of the standing order. But we want to deal with the whole broad question, I think. The members may want to expand on the question of conflict, perceived conflict, especially as it relates to police services boards.

Perhaps we can simply open this up for some questions by members. We are going to be looking at an adjournment at 12 o'clock because we have a subcommittee meeting, so we will try to give as many members as possible an opportunity to have input.

Mr Jackson: Gentlemen, thank you for coming on such short notice to the committee. I believe many members of this committee have a working knowledge of how police services boards operate, as well as how courtroom procedures operate through the Attorney General's office. The area of concern I have is to engage in a discussion about the nature of the practice of both and how there may be a case for conflict between the two. That is the general area of inquiry I wish to make. I can speak in specifics about what I think it is, but I would rather you generally get us into the subject so we can begin building on some of your legal foundations.

"Conflict" for this would mean to profit by or to influence outcomes in the judiciary, meaning the processes that occur at court—not necessarily the judge's ruling; I am talking about the adversarial nature of a crown attorney and a defence attorney and their unique roles as they interrelate with police officers, who are required to perform their duties, without undue pressure.

Mr Johnson: Are you referring to the possibility of those kinds of lawyers being on these boards? Is that what you are getting at?

Mr Jackson: Yes. The hypothetical case is of an appointee to a police commission who practises criminal law as a defence attorney in the jurisdiction, where his role is one in which he must take apart the workup and the effort of the police in order to arrive at a conviction and to make a fair presentation in court of the facts as they have secured them. That is the hypothetical scenario we are talking about.

Mr Johnson: We are talking about a municipal police services board?

Mr Jackson: That is correct.

Mr Johnson: I guess half an hour ago we had a hint it may relate to boards under the Police Act, but that is about the best we have had to go on. I do not claim familiarity with how these particular boards work. I presume they are somewhat similar to what I used to call police commissions.

Mr Jackson: Yes.

The Chair: I should interject here for the information of members. Under Bill 107, 1990, which is An Act to Revise the Police Act and amend the Law Relating to Police Services, the only restriction placed on service on a board indicated, "No judge or justice of the peace shall be appointed as a member of a board." It does not place any additional restrictions on, for example, individuals engaged in criminal law, defence lawyers. Those kinds of individuals are not restricted by the act. I think that is the broad general question, whether that sort of thing could give rise to conflicts.

Mr Johnson: As I understand, you are looking at situations where the Lieutenant Governor in Council appoints some but not all members of these boards?

The Chair: That is right.

Mr Johnson: Off the top, I do not see a conflict of interest in the sense of a personal interest conflicting with a duty. You may have a different question of, I suppose, appearance in the broadest sense, but presumably a person who practises criminal defence law is as interested in law and order and the proper workings of a police force as any other citizen. I would not want to assume that that person is adverse to the police as a function. His or her job in a trial, of course is, yes, to show that the police evidence is ill-founded, inadequate or whatever. That can include very vigorous cross-examination of a particular police officer, but I would not have taken it the further step.

Mr Jackson: The further step that has been suggested is that the unique position of a commissioner is that he has special access to information about the efficacy of certain investigative procedures, to know the detailed manner in which certain tests are performed, to know of the relative reliability or lack of reliability of the various deputants, who are in this instance the police officers who work under this commissioner.

Also there is the message that if I were a criminal in the community I certainly would want someone handling me who is the boss of the police. Therefore I might in fact profit from the fact that it would be seen as a real drawing card to my practice of criminal law, because I would have that kind of access to information about procedures and what types of tests are routinely done by the local police.

I could even extend that one further—this is now a third scenario I am painting for you—to where I am in a position to actually suggest we budget for these kinds of tests because we feel they are appropriate or inappropriate; I would be shared the information by the chief of police in making a budget presentation that we feel that this will increase our ability to come to a greater conviction rate or whatever.

Those are three scenarios I wanted to very quickly sketch out for you which have been suggested. I would like you to perhaps explore that a little more openly with us. I realize these require some thought. There may even be case law behind some of these questions that may exist somewhere in Canada.

1140

Mr Johnson: I am not trying to duck but, to be clear, we have come in pretty cold. I have not gone into what police boards do; I have a general idea. I hear what you are saying. I think those are serious points, yet there are other people from the community appointed to these boards, are there not? Are we talking about police secrets, as it were, being shared with the police services board? I do not know the answer to that at the moment. I would have to look further.

Mr Jackson: I would not style it as "police secrets." I toured my police station some five and a half years ago, and I have been introduced to the changes in technology and the budgeted requirements to assist the police services board to do its job, to come to a greater rate of moving from simply charging to making sure we get a conviction.

I have an awareness of the adversarial nature of our judicial system. The defence attorney is in a very unique position. I do not condemn it. It is unique to our code, which separates us from the French civil code approach. Ours is uniquely adversarial and it requires this individual to specifically take apart all of the activities leading up to—I might even go so far as to ask, what would be the public appearance of a dressing down in a courtroom, which is rather routine, and then on a technicality some criminal goes free?

As lawyers, you understand the importance of how that relates to the question of our judicial system, and it is required in order to have those rights. But what is that message to our community when a police commissioner has directly contributed to that outcome? Would it not really rather confuse a community about who is minding the responsibilities of the police? Is it sufficiently separate as a board, as is required by our law—are they sufficiently separate, the process of an independent police commission and the judicial process of defending criminals and defending the state, which is the crown's responsibility? I see a direct conflict. I make no bones about that.

Mr Peters: It seems to me that the day-to-day general running of the police force would be up to the police chief, not up to the police services board. I also would have thought that whereas commissioners might have a general overview of what their police force is doing, they would not have any intimate knowledge of a particular file or a particular investigation and in that respect I would have thought that there would not be a conflict.

Indeed I would be concerned if, for example, a particular member of a board, who is also at the defence bar, could have access to the actual investigation of one of his or her clients. I would suspect that is not the case, at least I would have thought so. I could be completely wrong, because I do not know exactly how the boards function. But I would have thought that a member would not be able to access the criminal investigation of a particular matter.

Mr Jackson: Well, they are able to.

The Chair: Mr Jackson, I am sorry. We have to be fair—

Mr Jackson: All right, but they clearly do have access, because it is the right of the criminal to be defended. They must have that information.

The Chair: Ms Akande, please go ahead.

Ms Akande: All right. Excuse me, Mr Jackson. I have some concerns. One is that we have asked these gentlemen to come as authorities and they were not quite clear on the topic about which we were going to ask them and therefore have not had time to look into the boards and what exactly their job is. Of course, if we are going to use this information on which to base our own decisions, it makes it difficult for them as well as for us.

Nevertheless, one of the things about which I am concerned if we travel on that hypothetical line is about using conflict of interest so narrowly as to prevent anyone who has any relevant experience, interest or focus from serving, in any way, on a committee or board that could use that experience to advantage. Could you speak to that? I mean, in relation to the example just given to us by Mr

Jackson, how narrowly would you want to cut the experience of people who served on that board?

Mr Jackson: It is a subjective question.

Ms Akande: Of course.

Mr Johnson: It is ultimately a judgement call for this committee. In the somewhat narrow sense of what is a conflict of interest, I am not persuaded you have such a problem here. You may nevertheless decide that the appearance is such that you would not want to make this kind of appointment. I do not know. Again, from a very quick glance at what the boards appear responsible for, I do not see a basis for the members of the boards getting into the kind of detail that would assist a criminal defence lawyer. I may be biased a little; I was a defence lawyer myself for a few years, many years ago.

Ms Akande: You are in conflict of interest.

Mr Johnson: I may well be. I would have considered, first, that I had as deep an interest as anybody else in proper policing and law and order and, second, that I might be able to bring some insights. I am a member of—I do not know, it looks like a five-person board or thereabouts, so it is not as though I have exclusive power.

Where I am a little hesitant is in how these boards act on the ground and how deeply they get into what police departments do, but as I quickly glance over their powers, it talks about “generally determine objectives and priorities.” It talks, I would say, in a policy and guideline sense, not in how you handle a particular murder investigation.

Mr Jackson: They are on discipline boards.

Mr Johnson: Pardon me?

Mr Jackson: They are on discipline boards—boards of hearing, boards of review.

Mr Johnson: Again, I am afraid I have not had a chance to look at that aspect. Let's talk about that for a moment. What is wrong with that? I am sure you can find examples of defence lawyers who hate police, but I do not think that necessarily follows. Certainly I would try to destroy their evidence in court, but I have no dislike for them.

Mr Frankford: Thank you for being here. I have not paid attention to all of it, but I think the interesting question is in a broader sense, about what is conflict of interest. Presumably there are very blatant examples where somebody is responsible to two obligations; let's just use it very broadly. Those things conflict so that one cannot make an honest vote because of obligations. Can you make some very general observations about conflict of interest? Is it a definable legal term or is it something which is described and has to be taken in a more non-legal sense?

1150

Mr Peters: Essentially, a conflict of interest, as I understand the term as it is used in the legal sense, is where a person has a personal interest which can or does conflict with his or her duty. For example, if we take what we are discussing here, if a member of the board could in some way tailor an investigation to his or her advantage so that when he or she defends the client he or she has an unfair advantage by gaining knowledge of what went on behind the scenes, that would clearly be a conflict. Often people

think of conflict of interest only in a pecuniary sense, but it does not need to be restricted to pecuniary matters.

If you have a duty to perform, you should be in a position to perform that duty without fear of favour, without being influenced by any personal gain, whether it is monetary or otherwise, and there should be the perception that you can do that. In other words, you should never be placed in a position where anybody looking at it objectively could ask, "Did he or she act in the public interest"—if it is a public duty—"or was he or she acting in his or her own interest?" In that sense, if you have that situation and it is difficult or you cannot objectively separate the two, as to what would motivate the person, you may well have an appearance of conflict and not an actual conflict, because of course conflict of interest is divided into actual conflict and appearance of conflict.

I do not know if what I have said clarifies it at all for you.

Mr Frankford: One could imagine that virtually any board or commission might at some stage get into some real estate decisions about its office or whatever, and perchance might mean that this affected the housing values of a member of the board. That is a pecuniary conflict. From our position, interviewing potential employees, we cannot predict all such situations.

Mr Peters: Usually in a situation like that, if that sort of situation arose—suppose a board was going to select an area in the city to build a new police building and a member of that board had property in the area. Clearly that person would have a conflict if the police building is going to enhance the value of the property in the area. What you do in a situation like that, it seems to me, is that the person should declare his or her conflict and decline and refrain from participating in the decision and decline to influence the decision of the rest of the members. Those sorts of things can be guarded against by annotation in the minutes, the person being excluded from the discussion and that sort of thing. But I am not sure you would exclude a person from a board because he has a lot of real estate, let's say, in a particular community.

Mr Frankford: But the principle of declaring a conflict when a situation arises is well established in governments and public bodies of all varieties, is it not?

Mr Peters: Yes, and there are means of dealing with those sort of situations when they do arise. Most boards and commissions, and indeed boards of directors, civil servants and everybody—the members of the Legislature—have their rules they abide by, and if you are going to get into one of these situations you do something about it. But you are not precluded at the outset simply because you may have a conflict of interest, because everybody can at some time in his or her life find himself or herself in a position of conflict.

Mr Frankford: We had another situation where we were hearing from someone who was a tentative appointee. In this case it was to a hospital board, and he was on the board of a community health centre. The question was asked by one of the members of the committee whether there was a conflict there. The applicant said he was not sure and he would be prepared to forgo one appointment if

there was. This really passed without comment. I was just wondering in retrospect how one would look into that situation, why it would be a conflict or why it would not be a conflict. It may be unfair to present this to you out of the blue, but do you have any particular thoughts on that?

Mr Johnson: You have to have the information of how the two bodies function and see if there is some way in which they have, I guess, conflicting interests. Another thing you have to keep in mind too is, is it something that could come up occasionally or is it something that is so likely to come up that the person might not be able to render full service? If you are going to have a continuing conflict, it is not an appointment you want to make because that person is not going to be able to do the full duty he was appointed to do.

Mr Jackson: Can I have a supplementary?

The Chair: Sure.

Mr Jackson: Just on the nature of that continuing conflict, I may have not expressed myself carefully. There is a difference between, for example, Mr Duignan yesterday declaring a conflict of interest on this appointment and stepping back and not feeling he should vote; that cuts across all grounds—or real estate or being related or having received a political donation, or having him as your lawyer. I can understand that. What I am talking about is the unique work required of you to assume this public responsibility on a board and that your private life role conflicts with those objectives.

The police and the responsibilities of the code of conduct for police and for police services boards and community standards is thrown into the courtroom and is tested on a daily basis.

The Chair: Can you sum up?

Mr Jackson: I am summing up right now. My fear is that somehow the judicial process may be compromised here, and this is why I referred to a body of law which is just now growing. The nature of the appointment in fact begs this question.

For example, early release and bail: As a police commissioner, you are charged with the responsibility of safety and making sure there is no discrimination, etc. Yet you are supposed to go before a judge or a justice of the peace and you are supposed to argue like hell that your client, who has been charged, is able to go back out into the community under limited conditions, while within the police board mandate you are required to uphold certain levels and standards of public safety and to be sensitive to those issues.

In my view, that is a compromising of the process, because to what extent is the crown attorney reacting and to what extent are the police officers reacting and to what extent is the community reacting? The issue of bail release or the terms of early release and the fighting, the advocacy that is associated with that, is an issue of great concern in the community.

The Chair: I am going to have to interject here and ask for a response. Mr Brown has a question still.

Mr Jackson: I apologize, I did not know there were other speakers, Mr Chairman.

The Chair: Do you have a response, Mr Johnson?

Mr Johnson: I guess on the one hand I certainly understand what you are saying. On the other hand, I think there is a difference between a particular instruction from a particular client to apply to a judge for this or that and what I do as a member with other members on a board of police commissioners. I do not think it is proper to impute the view you express in court for a client as your view; it is your client's view. I know it gets a little shadowy, but the other thing is too that if I am a person who does that periodically, it is not apparent to me that I might not have some useful insight to bring to the board of commissioners, which will have people from other backgrounds.

Mr Jackson: It is an unusual justification—a very unusual one. I tied it to the—

1200

The Chair: I do not want to get into this. We can have this debate going on all day. These gentlemen are here to respond to questions. Mr Brown?

Mr Brown: I will say that I have some concerns with this whole issue. I certainly think all members of the Legislature do in the broad sense, the sense of conflict of interest generally. There have been discussions around here for many years about what the appropriate statute and guidelines are for members themselves, so I am not surprised that we are debating this as it affects police services boards.

If my memory serves, judges used to serve on police commissions, in the not too distant past, for some of the same reasons I suspect you are giving me for why a criminal lawyer might be allowed to be involved here. On the other hand, there was a decision made by the Legislature when Bill 107 was adopted that judges would now be excluded specifically, as would justices of the peace. They stopped that, for whatever reason, and I do not think we should debate it now. The Legislature stopped that. They did not say all officers of the court.

I am having real difficulty trying to sort this one out in my own head and would be more comfortable maybe having this discussion again, Mr Chair, when these gentlemen have had a chance to look at the act a little bit more carefully. I am concerned with not just police boards but all agencies and commissions. I am not sure what the guidelines are for them. I am not sure how conflict is defined and whether it even is defined in Bill 107. As we go across the whole spectrum, it may be different for one group as opposed to another—although I would wonder why, but it could be. I guess I am just really expressing concerns and wondering if you share some of those.

Mr Johnson: To a degree, although I think unless conflict of interest is particularly defined in a statute, and I cannot offhand think of a statute that does except for the Public Service Act regulation, conflict of interest is really—I could not define it better than Mr Peters did.

Mr Brown: So you are saying it is kind of a common-law concept of conflict. Okay.

Mr Johnson: It is this concept that in doing your public duty there is a question of whether you are in fact serving

a personal interest, and you do not want that question to be raised.

I have noted this section too that says no judge or justice of the peace shall sit. It is hard to tell if the Legislature turned its mind to criminal defence lawyers at that time, but presumably it thought this was the only category that had to be excluded. It seems to me that on a police board you might get such a wide array of people, and I am not sure that a criminal defence lawyer is inherently in a more difficult position than any of these other people. They may have savoury or unsavoury acquaintances; who knows? As long as the board is not getting into the workings of the department—and that is something I am afraid I cannot help you with, certainly at the moment. I do not see it in the act.

Mr Brown: Just one—

The Chair: One quick one, because we are well over time right now and we have a subcommittee meeting.

Mr Brown: I am concerned that the way conflict of interest works, the onus is on the person with the conflict to declare that conflict, and after you go by that stage, it is often questioned what happens. Who is it that says, "Hey, you're in conflict"? Often it has to be a person who has harm come to him, or it is perceived that there is some dastardly thing that has happened to him or he has lost a fair opportunity because of this conflict. We were just told before that in this case, in a case where we might have conflict, the chair of the police services board may be the one to go to the Solicitor General and say, "Look, we've got a problem down here." Then we get into how they decide. I guess all I am saying is that I am uncomfortable and maybe the committee should explore it in some more depth.

The Chair: Thank you, Mr Johnson and Mr Peters. We appreciate your being here on such short notice, with very little background information to work on. It is a problem the committee is faced with in terms of our standing orders and having to make these decisions within very strict time limitations. That is what precipitated this urgent request. Once again, thank you very much. We appreciate it.

PAUL LaFLEUR

Mr Jackson: Mr Chair, could you call the vote and disperse with this matter for the day? Then it will not arise again.

The Chair: Mr Marchese moves concurrence with respect to Mr LaFleur's appointment.

Mr Jackson: I call for a recorded vote.

The committee divided on Mr Marchese's motion, which was agreed to on the following vote:

Ayes—5

Akande, Frankford, Klopp, Mammoliti, Marchese.

Nays—2

Jackson, McLean.

The Chair: We will adjourn and resume at 2 o'clock.

The committee recessed at 1207.

AFTERNOON SITTING

AGENCY REVIEW

The committee resumed at 1410.

Consideration of the operations of certain agencies, boards and commissions.

GRAND RIVER CONSERVATION AUTHORITY

The Vice-Chair: This afternoon we are dealing with the Grand River Conservation Authority, and we have several people from the authority. Perhaps you would take a seat at the front and indicate to us who you are and the position you hold, so that Hansard will be able to pick up and we will have it on Hansard who your guests are, Mr MacRobbie.

Mr MacRobbie: I would like to thank you very much for giving us the opportunity to be here today. It is indeed a pleasure and an honour on behalf of the Grand River Conservation Authority to be here this afternoon.

I would like to introduce some of the gentlemen with me. Allan Holmes is the chief administrative officer and started with the authority on December 2, 1991. We have Ronald Fox; he is the secretary-treasurer. We have Mac Coutts, who has been with them since about 1952, so he is an old hand at it, but give him another month and he says he is going to hang up his hooks too. He has been the general manager since 1966, the amalgamation of the authority and the commission.

We have a slide presentation to show you. Do you want us to just go right through it and if there are any questions—

The Vice-Chair: If you have any opening remarks, make them and then we will see the slide presentation and then we will have questions after that.

Mr MacRobbie: Okay. Without any further ado, I will ask Mr Coutts to do the slide presentation.

Mr Coutts: Mr Chairman, would you like questions during the slides, or would you prefer that I carry right through?

The Vice-Chair: I think you can show us the slides and comment on the way through and our members will jot down notes, if they can see to do that, and we will ask you questions afterwards. Is that agreeable? Carry on.

Mr Coutts: Obviously the symbol in front of us is the logo for the Grand River Conservation Authority, which was established in 1966. I would like to take the liberty of giving a little bit of history, just a little introduction. The Grand River watershed is located in the Ontario peninsula, southern Ontario. It is one of the largest watersheds in the middle of Ontario.

Closer, we have here the urban municipalities within the watershed. There were actually 71 before amalgamation, and there are too many to be effective on the map. I would like to draw your attention to this system. We have the main Grand down through the middle of the watershed, which is Dundalk, Fergus, Kitchener, Waterloo, Cambridge, Brantford and so on. The main tributaries are the Speed and the Eramosa on the right, the Conestogo on

your left coming down, and the Nith also on your left in the lower left corner. That is the main system: 2,600 square miles of watershed. This watershed is unique in that it is the first area in which municipalities realized they had to group together as a unit in order to manage the flows in the river.

This goes back into the mid-1930s, when the chambers of commerce within the city of Brantford initiated meetings with the other damaged centres, the cities upstream. That led to the formation of the Grand River Conservation Commission in 1938. A little later another organization, the Grand Valley Conservation Authority, was formed in 1948, and it was made up of all the municipalities within the basin, whereas the commission was only the eight urban municipalities in the middle of the watershed. The five counties with four regional governments and one restructured county are the essential area of the watershed. The counties are Grey, Dufferin, Wellington and Perth, and you have Brant down here further south, and the regions of Waterloo, Halton, Hamilton-Wentworth and Haldimand-Norfolk.

When the authorities were put together in 1966 there were 71 municipalities in total and 82 members, and that is horrendous in order to get meetings of any consequence. But when they were put together in 1966 to form the current authority, a totally different arrangement was set up for the appointment of members. Instead of members being appointed by each municipality, we developed, under the act, groups of rural municipalities.

If we look at the upper part of the watershed, the yellow, it is an amalgamation of seven townships. That was set up for the purpose of one appointee instead of one for each municipality. That is what was carried through. There is group 1, yellow; to the left, in the brown, is group 2. To the extreme west, mauve, is group 3. If we move over to the centre, there is a yellow block, group 4, and the blue is group 5. Each one of those has one or two members, depending on population. Then there are the regions. That is the big region of Waterloo in the middle, orange, and it has 16 members. The restructured county of Oxford, green, in the lower left, has one. Halton, way over to the right, the small blue part, has one. Hamilton-Wentworth, light blue, has two, and Haldimand-Norfolk has two. The cities of Guelph and Brantford each have three. The town of Paris has one. The last group, which really is within the county of Brant, has two representatives. This means that we went from 82 members down to, at that time, 46. Currently we have 41 in 1992. This graph was made up last year, at which time we had 42 members; now we are down to 41.

Very quickly to organization: Here is the executive committee, appointed each year, elected from the membership at the annual meeting. There are two standing committees, administration, finance and personnel, and audit. There are four advisory committees set up on program functions, which is water management, community relations, land use and conservation areas, and responsible to

that group, which is really an executive committee, is the chief administrative officer. Going to the next slide, you will see the CAO on the left. They we have a staff organization from that. There are four basic divisions—again, program line functions—land, water, policy and planning, and administration. Information is also administered directly by the CAO's office.

Our mandate comes directly from the Conservation Authorities Act. I am sure most of you are familiar with section 20. Unless there is a comment, I will not take time to read it except to comment that it is a very broad mandate which allows the authority, within the interest and needs of the municipalities within the watershed, to virtually undertake any worthwhile and legitimate conservation project.

From that we have our vision statement. The vision statement of the Grand River authority is one of "a healthy and sustaining relationship between the natural environment of the Grand River watershed and the demands on this environment by all forms of life."

From that we developed the mission statement, which says, "The mission of the authority is to conserve the natural processes and resources that support a safe and healthy environment for future generations in the watershed." The goals are somewhat obscured there but they are essentially that our particular mandate is to protect life and property, and generally integrate planning and measures to improve and manage lands, waters and wildlife, with tree planting mixed in.

From the statement we have, since 1983—the report was prepared at that time and updated starting three years ago—to develop a revised resource management plan for the watershed on the objectives as recently set out. This plan is basically a framework which will be used by resource agencies of the province, municipalities, developers, as well as the authority, as a guide for the management of those resources within that basin.

1420

Funding: We have sources of funding basically at three levels. If you just note the right-hand side—we will take 1991—the very bottom of the graph is white and that represents the municipal levies. A portion of the budget is funded through municipal levies. The middle section is revenues from our own resources, and that is conservation areas, rental of land etc, and government grants on the top. You will note very quickly that they are about equal, and that is the fact. For every dollar the province puts in, we have the capability of spending three. In other words, the province gets two-to-one value for the money that is put into this operation.

Moving to the functions and some of the projects and programs of the authority, as implied earlier, we have the unique history of 50 years of influence in this basin. This was all started because of high flows back as early as 1912, and that was of course the flooding and the damage centres within the basin.

Coupled with that at about the same time were the droughts. In the early 1930s the river almost ran dry. I think many of you realize that the cities of Brantford and Cayuga take their municipal water supply from that river

system. As I suggested earlier, that is when this group of urban municipalities in the basin got together and decided they had to do something collectively that they could not do individually, and that would be to harness this river.

That led to the formation of the Grand River Conservation Commission in 1938. There is the system again. I am sorry I do not have a pointer, but if you look across the top, you see the Shand dam, the Luther dam, and then down a little bit further you see the Guelph dam and the Conestogo. If you were able, in theory, to run a line right across underneath those, you would see that the reservoirs control the upper part of the basin and that is a source of water for the use of the municipalities downstream all summer long. Just to illustrate the dams rather quickly, that is the Shand, built in 1942; Luther, at the very top, was 1952; the Conestogo was 1958, and the last one in that series was the Guelph dam, 1975.

A lot of our work and effort goes into and much of the responsibility is for the operating of those dams summer and winter as a measure for flood control in augmenting the flows in the river for municipal water supply etc. We do that, first, by bringing in, of course, the weather data—it is a weather service we have—and that tells us what could happen within the basin. Coupled with that, we have monitoring systems. We have access to 30 stream gauges that monitor directly to central control, as well as rain gauges. These are monitored directly into the main office and central control. The data is put directly into the computer forecast model, which allows us to forecast the levels downstream of the major centres. For example, at Cambridge we can give a 24-hour advisory of a pending flood, or we are accurate to nine hours for a flood warning. One of the major activities of the authority is the flood watch, flood warning and inspection of the centres.

How do we do that? That is by the operation and manipulation of the reservoirs that we showed you. If you note, this time of year we are down at the bottom of the pool. The flood storage is right down. We are waiting for the runoffs in the spring. Then any time from now on, mainly in the latter part of February, March and April, we have to fill the reservoirs so that we have water to let out during the summer to keep the river flowing, for many reasons.

That is symbolic of the methods of operating, and you can guess very quickly that it is a judgement call as to when you have those reservoirs filled. If I might digress, what happened in 1974 with the big flood was that the reservoirs were essentially filled in mid-May. By the time the flood came down, we did not have that much control.

Very significant, which I have mentioned several times already, is the flow in the river as a result of the reservoirs. If I may just take a minute, if you look at the right-hand side of most of those five graphs, the darker shading is the percentage of flow in the river at those particular locations, as we saw the augmentation from the reservoir. The top one is Grand Valley, the small village, and in midsummer 93% of the water in that stream is from the Luther reservoir; Kitchener, 44%; Cambridge, 37%. In Brantford, about 23% of the water is from those reservoirs. Then off to the side, 32% is from the Guelph dam.

That is the reservoir operation. Following 1974, it was obvious the reservoirs could not protect the damage centres, and we entered into a long and fairly extensive dike-building program in Cambridge. We have spent \$21 million or thereabouts in Cambridge on dikes and walls to this point in time. In another year or two we should be finished. We have spent not quite as much money in Brantford, \$16 million in diking that entire city. Those are two examples. At several other damage points, such as Kitchener, Bridgeport and Caledonia, we have similar dikes.

We have mentioned that the mandate is the protection of life and limb and property. Erosion is as one of those responsibilities. This is a slump in Brantford, which happened in 1986. There is a long-term project of acquiring and removing the buildings from the slope area. To date, we have spent about \$1.8 million on that particular project.

An important function the authority has taken over was given to it by the province, and that is the regulation of the floodplain through the use of regulations. This is one of the main responsibilities that is ongoing by the authority. First, floodline mapping of the river system and streams designates the area that belongs to the river—in other words, the floodplain—and that is the area you see between the water and the buildings. That stretch of land, as we say, belongs to the river because it floods periodically. By so doing, protecting that and the buildings, it means that as time goes on, we will not have to spend millions of dollars in protecting those buildings from flooding, hopefully.

That is the basic input of the flood regulation. I will mention a little more a little later, because it is fundamental to the basic planning. In official plans and zoning bylaws those reaches are excluded from development.

Likewise, we protect under regulation the wetlands within the province, in cooperation with the Ministry of Natural Resources. The province does have a wetlands policy, and the authority augments it and by regulation can protect the wetlands from development.

We have been planting trees for over 50 years in this basin, not only on the lands owned by the authority back at the time the dams were built. Just this past year, the 15 millionth tree was planted at the main office. That is since 1966. I am a little bit older than that, so I want to tell you that we have planted over 25,000 trees in the time I have been involved with the authority. It is one of the most popular programs we have, planting trees on private land, and we have been doing that since 1953. There is a very popular program that is being phased out now because there is so much commercial tree space, but we planted trees for municipalities back when the pine was designated as the tree of the province.

We own 45,000 acres of land, and it is separated into different categories. The main acreage is for the flood control areas, and I will not go into that in detail, but it is used for many purposes, not only for flood control but for floodplains, conservation areas, wetlands, forestry and recreation.

1430

We have two examples of recreation and this is the acquisition of some of the natural areas. Pinehurst, which is 250 acres, was developed back in the late 1950s and 1960s as a recreation area for all outdoor uses.

Likewise, the lands acquired adjacent to the flood control works, the reservoirs: a complementary use is for recreation. This is the Guelph area, and we have over 4,000 acres there, part of which was used for the Boy Scout jamboree in 1985. It is an extensive area, very popular for camping and so on.

We use the term "lands for learning," and this is in cooperation with school boards, but we have our own interpretative programs, particularly evenings and weekends, when schools are not using the facilities.

Official plan review is a function designated to the authorities from Natural Resources, and this is where we comment on all the particular issues, official plans, zones etc. It is important to designate the floodplains relating to the official plans or zoning of subdivisions, wetlands, severe slopes or any of the areas that should not be used or allowed to be developed. That is the kind of input the authority has with the municipalities and provincial agencies. It takes a lot of time. If you notice, we have had well over 2,000 severances alone in 1990.

Putting it all together, it is small watershed studies—this is an example, Laurel Creek in the city of Waterloo. The red is the builtup old city, if we can call it that, the city of Waterloo. Of course, the blue stretch would be the small river system and Laurel Creek. The orange is the area in between development and the farm land. I call it the fringe area, ripe for development.

We are spending \$1.7 million in study and cooperation with the city of Waterloo. We have the Ministry of Natural Resources and the Ministry of the Environment involved in the steering committee, but the main thrust is to baseline the planning to set out the streams, the land that belongs to the streams, the wetlands, the streams that would be suitable for a cold-water fishery, a warm-water fishery, areas that should be retained for allowing water to seep into the ground and the like, all put in one package so that when it comes to amending the official plan, the city of Waterloo may have set out the parameters for future development to be used by the city, developers, and agencies.

The agriculture program is the joint program that is contracted to the authority from the Ministry of Agriculture and Food and MOE. We have, under agreement with the Ministry of the Environment, a five-year program, currently in its second year, in which we have three staff, two paid by MOE and one partially by the authority, for extension work with land owners and farmers to encourage them to undertake improved farm management, soil management practices etc. This is the type of equipment the authority has and lends out to farmers interested in practising the kind of tillage to reduce erosion and improve water quality. This is an example of what happens.

Nature centres: We have four strategically located within the basin, and it is in cooperation with school boards. They contract for the use of the facilities and our interpreters. This is ongoing and nearly all the school boards within the authority have some kind of contract with one or the other of the major centres.

To wrap it up, the whole idea is that the authority, as a partnership with municipalities and the province, has the responsibility and obligation of making sure that the parameters

for development are such that we can retain the integrity of those natural systems and at the same time allow for development.

The Vice-Chair: Is there anything further in your opening remarks or statement, or are you ready for questions?

Mr MacRobbie: We are ready for questions.

The Vice-Chair: We have about an hour and a half, so it is roughly 30 minutes each. We will keep track of the time.

Ms Poole: I understand there was a memorandum in November 1991 that went out from the Ministry of Natural Resources that indicated it expected all conservation authorities to return 5% of the current, already approved provincial grant. This was to be the conservation authority's contribution to the provincial restraint program. How did this affect your particular authority and did you have advance notice that this was actually coming?

Mr MacRobbie: No, we had no advance notice. We received a letter that stated \$133,274, which was the clawback procedure. It came at the end of October, which left us two months in the year to try to justify since our year-end is on a calendar year and the provincial government's year-end is on March 31. It made us scramble a little bit to organize. I think there were a couple of programs we deleted at that time. If I miss any answers, I wish these other gentlemen would step in and fill them out.

Ms Poole: In October 1991 the Association of Conservation Authorities of Ontario sent a letter to the minister, Bud Wildman, in which it stated a policy that had been in effect since, I gather, 1985 where the conservation authorities would not be subject to any provincial restraint program. I have that letter with me.

I would like to quote from the 1985 policy as espoused by Mary Mogford, then Deputy Minister of Natural Resources: "I would like to confirm that in future the provincial transfer payments to conservation authorities will not be altered as a result of any general constraint that is applied to this ministry. The only condition that I would add to this commitment is that if the government applies the constraint to the allocation of all ministries including all local government transfer payments, the funding to conservation authorities will be affected as well." Was your conservation authority aware of this letter that went out from your association?

Mr MacRobbie: What was the date on the letter?

Ms Poole: It was October 21, 1991, from Mr Rheal Proulx, the chair of the Association of Conservation Authorities of Ontario. This letter was written from him to the minister. In this letter Mr Proulx quoted, from Mary Mogford, the former deputy minister's confirmation that they would not be subject to constraint. I wondered if you were aware of this particular stand taken by the association and whether there has been anything that has resulted from that.

Mr MacRobbie: As far as the letter back in 1985 is concerned, that was before my time on the authority. I will maybe let Mr Coutts answer that one.

Mr Coutts: At that time we were aware of Mary Mogford's, but in so far as the letter you are referring to is

concerned, I believe the authority would be copied with that letter. We would learn it after the fact.

Ms Poole: I wondered if the association had actually informed you whether it had had any reply from the minister in this regard. Obviously the association was concerned about the possibility of the authorities being hauled into the restraint and constraint program without any prior consultation and without any opportunity to have set their budgets in accordance with it. I wondered if you knew, just to the best of your knowledge, whether there was any reply, because I am not cognizant whether the minister ever replied to the association.

Mr MacRobbie: To my knowledge, I do not think so. We heard rumblings of the cutbacks at our conference at the end of September, but nothing was concrete. Then all of a sudden a letter pops on our desk and it is \$133,000.

1440

Ms Poole: A bit of a shock.

Mr MacRobbie: Had it come four or six months earlier, it could certainly have been easier to adjust to it than it was at the last two months of our fiscal year.

Mr Fletcher: Archie, it is good to see you again. You have been in a lot of—how can I put it? I do not want to say "trouble" because it has not been trouble—controversy over the years with the GRCA anyway. I know in 1989 you had a problem with the city of Guelph. There was a big row over the levy that was going to be put on. What was the purpose of the levy at the time and how did you resolve that issue?

Mr MacRobbie: That was the normal levy they would pay in any particular given year. The levy is struck by discounted, equalized assessment plus population.

Mr Fletcher: Was the city not a little upset that it was so high for the city of Guelph?

Mr MacRobbie: I believe the year you are speaking of was one year when it was going to be nearly 12% and then it ended up at 5.1%.

Mr Fletcher: That was after the government kicked in some money.

Mr MacRobbie: Yes, it kicked in \$237,000 on the day of our annual meeting.

Mr Fletcher: How come the levy was going to be so high?

Mr MacRobbie: The main reason was we had a lot of projects on the go and people wanted them done. That was the main source of it.

Mr Fletcher: This is more of a local question. What input did you have into the new dump site?

Mr MacRobbie: The new landfill site?

Mr Fletcher: Yes, the new one that is a proposed site right now.

Mr MacRobbie: There were ongoing discussions between the authority, the city of Guelph and the county of Wellington in so far as the site selection was concerned.

Mr Fletcher: As an authority, are you satisfied with the site selection as it stands now?

Mr MacRobbie: It is on until some time in March for comments to come in. They are all being reviewed now and we will come out with some type of report when all those comments are—

Mr Fletcher: Is the authority itself going to be involved? Also, are you in favour of the proposed site or do you have objections to that proposed site right now? I know it is in the watershed; I know it is in the wetlands.

Mr MacRobbie: We will be responding to that. It is not in wetlands; it is close to wetlands.

Mr Daigeler: I would like to pursue the point Mrs Poole just made a little bit. I am the member for Nepean, which is in the Ottawa area. The Rideau Valley Conservation Authority actually met with the MPPs in the Ottawa area on that letter Mrs Poole was referring to. The conversation authority was very upset. They really felt they had been very hard done by. They asked us to intervene with the minister, to indicate they felt very unfairly treated compared to other transfer agencies. They also felt they were not given enough latitude to deal with these constraints internally, even if they were there. Apparently there were some stipulations as to how these cuts ought to take place. I actually wrote to the minister on that. I have not received an answer yet. I am expecting it still.

Frankly, from your answer, I did not get a sense that the matter was as urgent as with the Rideau Valley Conservation Authority. I would like to hear a little bit from across the province, how certain decisions are affecting people. Are you just being polite here or do you share the basic perspective of the conservation authority in my area? I must say they were very upset. They felt that the conservation authorities were being dealt with much more harshly than any of the other transfer agencies. They realize that times are tough and perhaps cutbacks have to take place, but they also felt that they were not consulted at all at the end of the budget year and also that really they were not given the flexibility to integrate those cutbacks into their own operation. I just wonder whether you can comment on that.

Mr MacRobbie: Just a quick comment and I will let Mr Fox finish it off: We have a large agricultural area and we have grown to live with that. When you go to town with your bushel of wheat, today you might get \$2 and tomorrow you might only get \$1.95, so we have grown to live with that.

Mr Fox: To compare our situation with the Rideau, as you saw by the chart, we generate substantial revenues on our own, from our own assets, so to speak. I am not sure the Rideau has as many revenue-producing areas. It has not been in operation as long as we have. We have had a few more opportunities to readjust our budget within our own self-generated revenues, which may not have been available to the Rideau. The loss of grants is a serious matter no matter when it happens, but by being able to adjust between our own self-generated revenues and government grants, we were able to end the year without going into a deficit position. But it certainly created a hardship for us.

Mr Daigeler: Did you have to cut back on the staff?

Mr Fox: We have been cutting overhead over the past two or three years in anticipation of what is going on in the economy. We did not have a massive layoff, but we have terminated some contract employees whom we are not renewing.

Mr Daigeler: Perhaps I have missed this in the presentation, but you mentioned self-generating revenue, which is always interesting to hear. Can you tell me a little bit more about this? What is it that brings you so much revenue?

Mr Fox: Through our land base, we have 12 active conservation areas some of which are comparable to provincial parks. We operate them as economically as we can and generate in excess of \$2 million in user fees. We also found it necessary to initiate a fee for solicitors' inquiries to help pay our office overhead costs when we are circulated by solicitors wanting to know whether the property they are dealing with is in the floodplain, so to speak.

We have 750 cottage lots on the Shand and Bellwood reservoirs which generate revenue back to the taxpayers for their investment in those assets. We have put hydro-generating units in the three dams—Guelph, Shand and Conestogo—which, when the capital is paid for, will generate profits back to the taxpayer and help carry our overhead. We are very concerned about that overhead and are doing everything we can to try to carry that overhead from our own assets as much as possible.

Mr Jackson: Archie, it is good to see you again.

Mr MacRobbie: It has been a day or two.

Mr Jackson: It has been quite a few days, actually.

As a former member of the Ontario floodplain commission, I had the privilege of being given a tour of your watershed and having my awareness enlightened. I appreciated that and have come to respect the kind of work you are doing. I respect the work you are doing because in my opinion it is one of the authorities that is very close to the core mandate for conservation authorities. You are to be commended for that. We can think of a lot of authorities that are in the business of wave-action pools, and I wonder if they are really operating on behalf of the Ministry of Tourism and whether they are really fulfilling the original mandate conservation authorities were assigned.

It is on that point, though, that I wish to discuss some of your revenues, because on the one hand it inhibits you. You are not expanding your revenue base because you are not getting into these wonder parks and water parks and so on and whatnot. I wanted you to respond to that concept because you see what your neighbours are doing.

Then I want to discuss with you another aspect; that is, whether there are any provincial parks in your jurisdiction and whether the province has approached you about taking those parks over, because that is occurring in my watershed. I would like to pursue that if it is affecting you as well. Those are the two areas I would like to pursue if we can in the time I have been allotted.

Interjections.

Mr Jackson: You do not have to fight over the question, but make sure you get to the microphone.

1450

Mr Coutts: I can answer the one on the parks if you wish. There is one small provincial park within the Grand watershed, and that is Rock Point on Lake Erie. Only recently—recently being the last two or three years—we have cooperated with the park authorities in some of the work that is done. To my knowledge we have not been approached yet to take it over. I think that was your question.

Mr Jackson: Yes. The other question was about any sense of frustration. You are speaking for the board in terms of those kinds of decisions. I am sure staff would give us a response, but would you like to comment on this whole concept of expanding the mandate of the authority to generate revenues, which seems to be the vogue for certain conservation authorities in this province? I am not aware that you are doing it.

Mr MacRobbie: On generating revenue?

Mr Jackson: You are not running a ski-run like my conservation authority is or a water slide like my neighbouring municipality is running. We are not planting as many trees because we have to make sure the ski equipment is working and stuff like that.

Mr MacRobbie: I guess we tried to get a golf course, but that did not go through.

Mr Jackson: Well, see?

Mr MacRobbie: Land for the Chicopee Ski Club in Kitchener is owned by the authority. We lease the land out to them and they pay for all the equipment, the taxes. We probably have no expense there at all.

Mr Jackson: But you are just leasing the land out to them.

Mr MacRobbie: We are leasing the land.

Mr Jackson: That is understandable.

Mr MacRobbie: We are not in the recreational business other than where we have recreational facilities now. We keep on expanding them a little and we try to make them more effective and efficient, but we are not in the process of—there is nothing on the books, anyway, to start up anything new.

Mr Jackson: Although this may be a hypothetical question, the Bronte Creek Provincial Park is being offered to our local conservation authority because it is losing money. With our conservation authority, the Halton Region Conservation Authority, some of its operations lose money and others do not. It is a concern to both Noel and me that stewardship of this park would move from one money-losing entity to another money-losing entity. Are you aware that Rock Point is losing money to the province? If the province were to approach you, as it is approaching other conservation authorities, what would you believe your response might be at that time? Perhaps you could speak to that question.

Mr MacRobbie: I cannot speak to whether they are making money or losing money. I do not know. I would think, and this is just off the top of my head right now, that if the province were to approach us, I am sure we would be open to negotiations and would probably work out something.

Mr Jackson: Technically you would be the closest thing to the province's and the Ministry of Natural Resources' mandate. You would be the closest entity with a mandate that was even remotely similar in terms of being responsible for the stewardship of that land. There is no other jurisdiction to which the province—

Mr MacRobbie: Other than the municipality, I guess.

Mr Jackson: You could offer it to a municipality, okay. I will yield in case there are other questions.

Mr Klopp: I am filling in on the committee today, but I am kind of glad I am here. A little bit about my background: I am from the riding of Huron and I have been involved in three watersheds: Saugeen, Maitland and Ausable. I did not realize Saugeen was part of Huron until I got elected. If you look back on my record, my short time on council, I was one who kind of disagreed sometimes with—especially with Ausable; that was my main group. But at the same time I was a staunch supporter of them. I felt it was maybe politicians creating some of the problem. I could feel the frustrations we felt that maybe governments were ignoring our conservation authorities. I felt we should try to do something about it. Heaven forbid, here I am now.

I still believe in that. I still believe we have to come a long way and to recognize that MNR is part of conservation authorities, not some little brother. I think this government is working towards that goal. Of course, at a time when things are a little tougher, it is harder to do.

One of the strong feelings on that has been that conservation authorities can move quicker and smarter. That was brought out by the fact that last year, as you pointed out, your organization already felt the economic environment was getting tougher. You recognized it a few years sooner. It took a little longer for the bigger system of government to recognize that. You brought that about last fall. Our conservation authorities did a heck of an excellent job in pulling together and recognizing they could be part of the solution last fall.

However, I remember reading stuff about your authority—I guess that is why it has come up here a little bit—talking about how moneys were spent or not spent. It bothers me because then it takes away from all the things I have been trying to promote about conservation authorities. For example, the Expositor talked about an audit; heaven forbid, audits, and maybe the papers misinterpret things. But it paints my conservation authorities with a bad brush when they hear that some part of another conservation authority, for whatever reasons, may be spending money, some people think, unwisely.

One of the specific issues—it really bothers me because it does affect my conservation authority—was with regard to your authority and the mileage and paying people to drive their cars. I understand that was in an audit. What have you done to correct that situation, if indeed it was even a situation that was there, to help show the credibility of my organizations?

Mr MacRobbie: That is still under advisement at the present time. Any vehicles that came up for renewal were never replaced during the last year and a half. The vehicles

are part of a compensation package, so that would have to be rectified when it gets cleared up. Maybe Ron can speak to that better than I can.

Mr Fox: Your question had to do with the number of vehicles that were assigned to staff?

Mr Klopp: In particular the audit, and I will rephrase it maybe a little bit better here; the audit showed that a number of the staff were able to charge mileage on their own personal vehicles. It was figured out in the audit that you could save \$13,000 if the workers had their own cars and just charged mileage versus the authority buying the cars. They seemed to show some very big numbers, a \$13,000 difference.

Mr Fox: On the face of it, that figure is probably not too far off. But as Archie pointed out, in those cases of employees being supplied with a company car, it was part of the compensation package. If you took the car away, you would probably pay the \$13,000 to them in salary, plus you would still have to pay them mileage for whatever mileage they drove on business. The end result would probably not change the bottom line. If it is the current vogue to change the policy—the executive is reviewing that. Currently they have put a freeze on issuing cars as part of a compensation package.

Mr Jackson: Plus there was a tax memo from the federal government to that effect, as I recall. It would be interesting to know if that was in the report.

Mr McLean: I have a couple of questions. I would like a little information with regard to the Bugar report, and I would like some background from you with regard to the Ballinger study that was done. I would like your opinion with regard to amalgamations that were proposed. What is your authority's position on that?

1500

Mr Coutts: I can start off if you wish. When it comes to amalgamations, there really was no suggestion that the Grand River Conservation Authority would be involved in amalgamations. Then stepping back and looking at the 38 in the province, I think I can express the opinion that we think it would be good if they were put together so that they would be more viable, by going from, say, 38 to 19, which I think is recommended in the report. This would provide viable authorities that would be better able to carry out some of the functions they are supposed to be doing. I think it is very obvious that a number of small authorities do not have the financial base to really look after even the floodplain policies.

Mr McLean: Anything further on the amalgamations, other than the fact you agree with them?

Mr MacRobbie: We supported both those reports and we ourselves are in the process of trying to reduce our membership of 41, as was pointed out in the presentation. We would like to get it down to somewhere between 22 and 26.

Mr McLean: The conservation authorities of Ontario, the executive committee, what is its recommendation with regard to this? Do they agree with you or do they not agree with you with regard to amalgamation?

Mr MacRobbie: I think in general the Association of Conservation Authorities of Ontario, ACAO, agrees with amalgamation.

Mr McLean: Mr Powell?

Mr MacRobbie: Yes.

Mr McLean: Would you agree that most of the authorities across the province, the smaller ones, the majority of the authorities, would not be in agreement with you?

Mr MacRobbie: Yes, I think there are a number of small ones that want their own little autonomy. As Mac mentioned, they do not have the resources to really proceed and carry out the mandate they should. It will come to a point where I think they will have to amalgamate if the province keeps on reducing the funding for floodplain mapping and those sorts of things. It will come to a fact where they will probably have to amalgamate.

Mr McLean: In essence what you are saying is that there should be regional government right across the province because most of them are not big enough. These municipal councils or counties are not big enough to operate on their own so they all should be big; is that what you are saying?

Mr MacRobbie: Not really: I am just talking about authorities; I am not talking about municipal councils.

Mr McLean: That is fine, but I know lots of authorities that are fairly large in acreage and large in size that are very much opposed to amalgamation. It is all right for the larger authorities to say, "You should be amalgamated because you haven't got the funding," but I do not think that in essence is really true.

The other area I would like to pursue for just a short period of time is, what percentage of funding are you getting from the province now? Would it be 60%? I know you showed us the draft, but I wonder about the percentage of funding.

Mr MacRobbie: We showed you the draft, and the total funding from the province is about one third of our total budget. One third is levied and the other third is revenues raised. I think Ron can answer that better. It varies on various programs.

Mr Fox: Is your question in relation to the grant rate as opposed to the overall grant? Currently in 1991 we are eligible for a 55% grant on administration and water and also a supplementary grant of a further 6%. It is proposed in 1992 that the supplementary grant would be abolished for our authority and we would drop to a 50% grant on everything.

Mr McLean: The other question I have, which the manager would probably be able to answer is, what was your staff complement in 1980 and what is your staff complement today in 1992?

Mr Holmes: I will have to rely on Mr Coutts to respond to that, since I do not have those figures.

Mr McLean: I do not have them either. That is why I asked.

Mr Fox: I can make a guess. We have about 150 full-time employees and that would not have changed very

much from 1982 to 1991. We had actually reduced from 1982 through till, I guess, 1990 or 1989. In 1990 and 1991 we have been deleting certain positions and cutting back on our overhead, two or three here, middle management, just to try to be as lean as possible and try to control our overhead costs in relation to the funds that are available.

Mr McLean: Okay. The other question I have is, what is the difference in your administration funding in 1982 and 1992 and your capital funding from 1982 to 1992?

Mr Fox: The capital program has been declining and our administrative grants have hardly kept up with inflation, I would say.

Mr McLean: But roughly how much have your administration costs increased from 1982 to 1992?

Mr Fox: They have probably gone up by about 50%. They have gone up roughly equivalent to inflation, I would say.

Mr McLean: What is your administration cost today?

Mr Fox: Our total administration cost is about \$3.5 million.

Mr McLean: I will pass for now, Mr Chair, and come back later.

Mr Fox: That is out of a budget of \$20 million.

Mr Marchese: As Mr Jackson did, I want to acknowledge the role that the conservation authority plays in conservation and the environment, so I hope the questions I ask will not appear to be detracting from that important role you are playing.

I have several questions about accountability. Given the membership of the authority, obviously the majority of the members are municipal appointees. There are only a few provincial ones, two or three as I understand it, so municipalities have direct contact and accountability through the members and the provincial government, through that mechanism, has very little accountability. How would you describe the accountability mechanism that the conservation authority has with the provincial government? Is there a mechanism? If there is not, what kinds of mechanisms are there? What would you recommend if there is not one in place?

Mr MacRobbie: I will speak to the appointees and let the ACAO speak to the other. We had an orientation meeting for new appointees last Tuesday afternoon. Out of a membership of 41, I think there are 15 new ones. That has been our practice when new members are appointed to the authority. We have an orientation meeting for them and they get all the bylaws, the rules and procedures and the budget book.

Mr Jackson: And the park pass?

Mr Marchese: Which we all used to get 10 years ago, is that right?

Mr MacRobbie: Yes, that is true.

Mr Jackson: That is the first thing they asked for.

Mr MacRobbie: In talking to the provincial appointees in the past, I am not aware of any, or there was very little dialogue between the appointees and the province. In discussion with the appointed members last Tuesday—there

are three of them this turn—they indicated to me that they are going to be in consultation with the deputy minister twice or at least once a year. I feel that is probably a step in the right direction if we are going to have provincial appointees.

Mr Holmes: I believe the record of the Grand River Conservation Authority with its membership and its municipalities, with which we share the funding for the services, has to be maintained, and every effort is made to have a relationship there. Although we have a very large membership, the term “accountability” is difficult in that we are currently operating on an executive committee structure. I am aware that the authority executive is recommending there be some emphasis made on the reduction of the numbers to improve the term “accountability” of its membership.

Mr Marchese: Just to amplify on that, I think it is useful that the members who are appointed by the provincial government meet with the deputy from time to time, obviously as a way of communicating what is happening. If there is no other communication, that is very useful. But is there something else the authority would recommend in terms of how it communicates with the provincial government, or municipal governments for that matter? What kinds of communication systems do you have with municipal governments or provincial governments?

1510

Mr Holmes: I believe that traditionally the authority has had an excellent relationship with the Ministry of Natural Resources in particular, and so there is excellent communication there. From my brief association with the authority, although I have been very familiar with it for some time, there is excellent communication between the ministry, particularly the district office and the ministry representatives as well as the other ministries of the government with which we share services. There is an excellent communication there, I believe.

Mr Coutts: Perhaps I can add to that. The direct communication between the authority and the ministry is via its regional office. We communicate directly with the regional office as far as projects and funding and anything that is related to the day-to-day operation is concerned; that is to the regional office, and of course where it is appropriate to the front office.

When the authority was put together in 1966 the province appointed eight members. The reason they were appointed was not for communication but to make sure they were members at large so that they would have the view of looking at the total watershed, not just the parochial view of members from a particular municipality. Over a number of years that has been the role, as perceived locally, by a number of the members. They are just part of a corporation and communication has been directly through the staff organization, as I just mentioned, or through the chair to the organization or to the main office.

Mr Marchese: Can I ask how much time we have?

The Chair: The only constraint we are really under is members' schedules and I am sure the witnesses have some schedules they want to adhere to as well, but there is quite a bit of flexibility. Go ahead.

Mr Marchese: Let me move on. I would like to have pursued that issue a little more, but I need to move on because I want to ask other questions about the mission statement. I know the audit that was done talked about the mission statement or lack of mission statement and goals and not having them. It was said that it produces not so very good results, obviously. Have you as a conservation authority dealt with the issue of a mission statement, goals, timetables, deadlines, where there are goals? Have you done that in the last year? What progress have you made?

Mr MacRobbie: We put our mission statement, the final approval, together about a year and a half ago. What the mission statement showed, I think we have been following very well. The project you may be speaking of is time controls. When we start one there is usually a deadline for it and we try to have it completed by that deadline. That is maybe not answering what you wanted to hear.

Mr Marchese: Yes, in terms of having a project and you put a deadline to it, but in terms of the mission statement and the role statements, have you put anything in place that speaks to having a mission statement? Have you put anything in place that evaluates the programs you have in place now or will be putting in place?

Mr Coutts: I will respond to the first part of that. As part of the information package I believe you got an outline—I merely referred to it in the presentation—and that is the outline as we saw it with a mission statement, putting flesh on the bones of the objectives. That is the plan. The second part of your question, whether we have an evaluation in place, that is one of the issues that is part of that plan. I am going to suggest that Al carry on because he has a very definite objective for this year, I believe, in the evaluation process.

Mr Holmes: I assume you are referring to the development of a performance evaluation system for a program.

Mr Marchese: That is right.

Mr Holmes: Having been there only a short time, I believe there is a system of evaluation, but it will be my endeavour of course to put in place a more extensive evaluation program. I might add that the actual measurement of accomplishments of some of the programs carried on by the authority is difficult in light of all the other provincial requirements and regulations, particularly in the environmental area. To measure accomplishment of capital works today is very complicated. But on the development of watershed plans, I think we can develop time frames for that work within the accepted budget. There will be every effort to have some visible measure of that, although I think there is a measurement in place for the executive committee.

Mr Duignan: It is nice to see you here. My riding is on one of those lines that has three conservation authorities within the boundaries. I used to live in Brantford and used to enjoy going to a number of the conservation areas. I do that now again but this time I have a pass to do it with.

I want to focus a little on the audit report on management practices of the conservation authority. It has been about a year or a year and a half since that particular audit was done and completed. I am going to focus on the internal controls listed in that audit, particularly around revenue

and accounts receivable. In that report the auditors noted some significant weaknesses in the handling of controls of cash and movable assets. At that time they recommended that “controls be established to eliminate the above weaknesses and these controls should be documented in the form of policies and procedural guidelines. Measures should be taken to ensure that these policies are enforced.” What progress has the authority made to date on that recommendation?

Mr Holmes: It is probably appropriate if I ask our director of administration to respond to that, because I believe action has been taken.

Mr Fox: One of the major criticisms was that we did not have a written policy. The audit did not say that we had a major problem, because we do not have a major problem as far as loss of cash and things like that are concerned. In so far as accounts receivable are concerned, we do not have a bad record. One of the criticisms was that we did not have a nice written policy. Auditors think like auditors. Everything needs to be documented and ticked off in little boxes. That is where the weaknesses showed up. It was not that we were losing money or that there was any major problem.

Mr Duignan: This talks about the control of how it is done. That is what I am talking about.

Mr Fox: We have initiated a manual, a nice big thick manual with all the procedures which are duly approved by our executive. We have changed a number of those and are still working on refining it.

Mr Duignan: What areas have you changed?

Mr Fox: We have cash-handling procedures whereby the gatekeepers sign out cash from the superintendent, and when the superintendent gets it back they sign it back. It is a tick, check system. We have initiated that type of procedure so that there is a written record. As an example, we were checking all the park revenues, but the person who checked them did not initial that he had checked them. We do not think like auditors, unfortunately; we just try to get the job done. Now we make sure that the person who checks it initials it, so when the auditor comes he knows that has been done. That was where we were most criticized, on that end, rather than actually having a sloppy operation.

Mr Duignan: For example, the auditors found that receipts were not always issued for cash and cheques and that there was multiple access to where you kept the deposits. Has that all been changed?

Mr Fox: Yes, we have revised that. We have a receiving voucher now, so when a cheque comes into the office somebody makes out a receiving voucher. It is recorded and traced until it goes in the bank. Again, it is a written procedure for how things happen. Yes, we have a procedure now.

Mr Duignan: So the whole area of how cash and cheques are handled has been tightened up and there is now a procedure in place.

1520

Mr Fox: We are getting the manual developed.

Mr Duignan: The manual is not developed yet.

Mr Fox: We still have some work to do on it, but we did the things that were the most effective first. As you can appreciate, there is a cost effect. To have a perfect system would be onerous and very costly. With the cutback in staff, how far you can go is limited. I think a reasonable person will appreciate that you cannot spend dollars to look for pennies. You could get to that level if you carried it right to the nth degree.

We rely on our external auditors, Ernst and Young. They do an audit. They have just finished the audit and have no criticism of our systems, as far as our control procedure is concerned. We rely on them probably as much as we do the provincial auditors, because they are familiar with our operation. They had no criticism of our procedures.

Mr Duignan: On personnel regulations it found: "The manual does include policies on petty cash and purchasing. However, we found that these policies are not comprehensive. Many standard internal controls are not specified." That too has been—

Mr Fox: Yes, we have made changes there.

Mr Duignan: Okay, what is left to be done?

Mr Fox: We have to review our purchasing policy this year. We have a difficult operation to handle in that we cover 2,400 square miles. The optimum would be to have a central purchasing system where everything is purchased centrally, but when you have units that are 100 kilometres away that becomes onerous and not very cost-effective. We are trying to go as far as we can to a central control and still be reasonably cost-effective.

Mr Duignan: I am glad to see that controls and procedures have begun to be put in place and will watch with interest how that develops over the coming year.

Mr Holmes: In light of the question, the follow-up audit has indicated that the concerns expressed in the audit of a year and a half ago have been taken and are in place. I think that is best to be stated for the record. I am aware of why you asked the question.

Mr McLean: How many government appointments are there on the conservation authority now?

Mr MacRobbie: Three. As Mac indicated earlier, at one time it was eight, then it got down to six, then it got down to four and now it is down to three.

Mr McLean: The chairman is an appointed position by the government now?

Mr MacRobbie: No, elected by the members.

Mr McLean: Elected by the members?

Mr MacRobbie: Yes, at the annual meeting.

Mr McLean: How much do the members get as a per diem? So much per meeting?

Mr MacRobbie: It is \$58.50 a meeting now.

Mr McLean: What is the chairman's salary now? It was \$35,000. Is it still about that?

Mr MacRobbie: It is still the same.

Mr McLean: That is a good position to be working for.

Interjection: It is a busy one.

Mr McLean: In 1991 the levies were down by about \$250,000, what you were levying your municipalities. They were lower than they were in 1990. Is that right?

Mr Fox: No.

Mr McLean: Your total levies for 1991 are H. The total levies for 1990 are I. When you look at the bottom figure, you have about \$250,000 less for 1991 than you have for 1990. No, I have that reversed. H is higher; that is right. What is happening in 1992?

Mr Fox: We are going to a zero per cent increase. That is our objective. The general meeting will be on the 22nd.

The Chair: Mr Marchese, you had some more questions?

Mr Marchese: Actually, I will ask one more question. I have a few more, but I am just going to ask one more. What is the relationship between the executive and the entire authority? Do the members of the entire board have a great say in the decisions that are made, or would you say that the executive makes most of the major decisions and basically hands them to the board and the board does not have much of a say? How would you describe the role of the two or the relationship between the two bodies?

Mr MacRobbie: The executive makes the majority of the decisions. The executive is made up of a chairman, a vice-chairman and 10 members, and they meet the second Friday and the fourth Friday of each month. The general membership meets about four times a year, sometimes only three because there is not enough business to call the membership in. We have the four advisory boards. Those four advisory boards probably meet an average of four to five times a year. The chairman of an advisory board has to be a member of the executive, so he gives his report to the executive. It gets approved that way.

If we were to reduce the membership, it would be to my liking to do away with the executive committee, still have a chairman and a vice-chairman and have three standing committees: administration, finance and personnel; water management, and land management. Those standing committees would meet once a month and the whole board would meet once a month. We would have more people involved with the decision-making process than we have now. When you get 41 members around there, three times a year, it takes them a long time—mind you, they sit on one of the advisory boards as well—to ever get the nuts and bolts and the makeup of the authority.

Mr Marchese: Sure, but I would think that if you do not move to such a structure many of the members might feel left out of the decision-making process, obviously. Do you not agree with that?

Mr MacRobbie: Yes. Any major projects are always approved by the general membership.

The Chair: I had a question of curiosity when Mr McLean raised the question of salary for the chair. How do you arrive at that? Has there been a study done on conservation authorities across the province with comparable responsibilities? It strikes me as on the high side, but then I am

looking at the conservation authority in my own region. I do not think the chair in that area, of the Cataraqui Region Conservation Authority, would be on a salary. It would simply be a higher-level per diem than a regular member. It strikes me as a little on the high side. Maybe I am wrong and you have taken a look at comparable authorities. I would like to hear your views.

Mr MacRobbie: I guess I had better answer that one.

Mr McLean: Maybe you had better not.

Mr MacRobbie: It might be better not to, yes.

The Chair: It might be better if someone else answered it. I am not sure.

Mr MacRobbie: I will let somebody answer it then.

Mr Coutts: I will take a crack at it, Mr Chairman, and I think Mr McLean sort of hinted at that some time ago.

When the authority was formed in 1966 the chair was appointed by the province, and from that time on he was paid a salary that was agreed to by the authority and the province of the day. I cannot tell you what that amount was off the top, but it has been adjusted over the 25 years pretty much on the same basis as other salaries. That is one answer. The second answer is that the chair of the day, up to the last two or three years, spent a good part of his time relating to authority business. That is probably the other part of that.

The Chair: Is this unique to your authority, that the chair is on a salary rather than a per diem?

Mr Coutts: Can you answer that, Ron? There are two or three chairs, are there not, who are salaried?

Mr Fox: Yes, I think Metro has a substantial stipend for its chairman.

The Chair: That is not surprising.

Mr Fox: I think there are only two or three who would probably be on a salary.

Mr McLean: The Rideau in Ottawa?

Mr Fox: I am not sure about that.

Mr Holmes: It may not be appropriate for me to respond to that. Not necessarily in defence, but having been involved in municipal government for close to 30 years, I think it would be fairly representative of the pay for the heads of councils or bodies of this nature. In a brief time, I have become familiar with the great amount of work that is the responsibility of the chairman of the Grand River Conservation Authority, particularly dealing with the hearings, which are every second Friday.

1530

Mr MacRobbie: It is true of the Ontario Municipal Board as well.

The Chair: Did you have another question, Mr McLean?

Mr McLean: I am just curious. What would the difference be between the chairman's salary and the CEO's salary?

Mr MacRobbie: Two hundred per cent.

Mr McLean: I think Allan had better defend them on that one.

Mr Holmes: It is certainly not 200%, but it is considerably more than the chairman's, and I think it is quite consistent with other CEOs of authorities in the province.

Ms Poole: From what we have heard today, it appears that because of your management practices you have been able to weather this 5% cut and you have built up your infrastructure to make sure that you did. For instance, you mentioned that you had been watching your staff levels for the last couple of years as we went into a recession, so you really did not have to cut a lot other than some contracts because you have been doing it for the last couple of years on an ongoing basis. In your conversations with management from other conservation authorities who perhaps did not take these precautions, how are they managing? How have they dealt with this 5% cut instituted by the government? Do you have any information on what type of programs they are cutting back on?

Mr MacRobbie: I do not, unless Mac does.

Mr Coutts: I think Ron is the best person to answer that.

Mr Fox: The smaller authorities in particular are more dependent on provincial grants. In other words, they seldom do a project unless there is a matching grant. Our authority has been a little more aggressive, and due to the urgency of some of the problems in our watershed, we felt it was necessary that whether we got a grant or not we still had to do them. We have always spent ahead of the level of provincial funding. We have not curtailed our program to whether grants were available or not. That gave us a little more latitude in what we might be able to do. For a small authority, if you take a block of grant out, then the only thing that is left there is the municipal levy, which is pretty difficult to adjust.

I think that is really the difference. We have a little more aggressive program than some of the smaller authorities, and the younger ones too that have not had the years to build up an asset base. As we pointed out, we have 45,000 acres of land. We try very hard to make that pay for itself and generate revenues back to the taxpayer. We are always looking for opportunities to generate as much revenue as we possibly can from the assets we have and operate more like a corporation than just a government agency.

Ms Poole: In other words, because you have built up your asset base over the decades and because you have generated a large proportion of revenues compared to some of the smaller and younger authorities, you have been able to weather the storm, but they may have much greater difficulties.

Mr Fox: We have more opportunity to cut programs, because we can cut our own programs and not just those that are supported by government grants. I think that is the point I am trying to make. We have a little more selection as to what we can cut back on.

Ms Poole: You have more flexibility.

Mr Fox: Right.

Mr Klopp: With regard to Ms Poole's remarks, I live in three areas that had this. It was told to you and I understand to all the groups. MNR said, "We're going to have restraint problems." Earlier on it was not quite like a

bombshell, although it was damned difficult. Our three, which are moderate in size compared to yours, weathered the storm also, which I think was a good plus for their organizations. I think that should be made clear. I believe for a lot of them it was because of their ability to move in and out. It is too bad bigger government did not see the recession coming sooner. Anyway, I just want to let that be known, that they did weather the storm.

The Chair: Nothing further? We appreciate your coming down here today and responding to the questions

of members of the committee as fully as you possibly could.

Members of the committee, I will leave it up to you. As your agendas indicate, we could spend some time briefly discussing the appearance of the conservation authority in camera. How do you feel about going until 4 o'clock? Do any of you have any difficulty with that? All right. We are going to move in camera and ask Hansard to depart the scene.

The committee continued in closed session at 1536.

CONTENTS

Thursday 13 February 1992

| | |
|---|-------|
| Appointments review process | A-907 |
| Public Appointments Secretariat | A-907 |
| Carol Phillips, director, public appointments, Premier's office | |
| Ministry of the Attorney General | A-917 |
| John M. Johnson, Assistant Deputy Attorney General, civil law section | |
| Wilfrid Peters, counsel, crown law office - civil | |
| Paul LaFleur | A-921 |
| Agency review | A-922 |
| Grand River Conservation Authority | A-922 |
| Archie MacRobbie, chairman | |
| Mac Coutts, former general manager | |
| Allan R. Holmes, chief administrative officer | |
| Ronald D. Fox, secretary-treasurer and director of administration | |

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Le mardi 24 mars 1992

Standing committee on government agencies

Appointments review

Comité permanent des organismes gouvernementaux

Révision des nominations

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Table of Contents

Table of Contents for proceedings reported in this issue appears at the back, together with a list of committee members and others taking part.

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Table des matières

La table des matières des séances rapportées dans ce numéro se trouve à l'arrière de ce fascicule, ainsi qu'une liste des membres du comité et d'autres personnes ayant participé.

Il existe un index cumulatif des numéros précédents. Les renseignements qu'il contient sont à votre disposition par téléphone auprès des employés de l'index du Journal des débats au (416) 325-7400.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Tuesday 24 March 1992

The committee met at 1005 in room 228.

APPOINTMENTS REVIEW

Resuming consideration of intended appointments.

MEERAI CHO

The Chair: Could we come to order, please. I welcome the committee back to Queen's Park.

We will get right to business immediately and call on our first witness—I stand to be corrected here in terms of pronunciation—Meerai Cho. Would you like to come forward, please, and take a seat. Welcome to the committee. We appreciate your appearance here this morning. Ms Cho is the intended appointee as a member of the council of the College of Nurses of Ontario. This is a half-hour review, and each party has 10 minutes to ask questions and receive your responses within that 10-minute time period. You were selected by the third party for review, so I am going to look to Mr McLean to begin.

Mr McLean: Welcome to the committee this morning. You can feel at ease because this committee is very easy to get along with and does not ask too many hard questions. I am sure you will be able to answer them all very simply.

Do you have experience? Are you a nurse?

Ms Cho: No, I am not a nurse.

Mr McLean: Are you a teacher by profession?

Ms Cho: No. My job is as a curriculum developer, so that is far away from nursing.

Mr McLean: What drew you to make an application to be on the council of the College of Nurses of Ontario?

Ms Cho: I guess as a member of the public and as a visible minority woman, I thought I could contribute some input to the improvement of medicare in Ontario.

Mr McLean: Yet you are not familiar with the nursing fraternity, so to speak, as far as anything involved in nursing.

Ms Cho: I had an opportunity to get some background information or knowledge on the role of the college. A couple of years ago I was working as an English-as-a-second-language instructor and I happened to have 34 registered nurses trained overseas. By spending some time with my students I got to know something about the role of the college. As an immigrant who came to Canada about 15 years ago, I have experienced and witnessed a lot of barriers to services, including medicare, training, education and employment and have become more aware of how the system should work and how it could be improved upon. I have some things to say.

Mr McLean: I would like to know then, do you know what the mandate of the council of the College of Nurses of Ontario is?

Ms Cho: I understand the council is the governing body. The board of directors manages and the minister is the Minister of Colleges and Universities. In the public interest, it regulates the practice of registered nurses and the registered nursing assistants by establishing, monitoring and enforcing the standards of practice and ethical guidelines.

Mr McLean: Do you know how many members are on the board?

Ms Cho: Correct me if I am wrong. I think there are approximately 30 members.

Mr McLean: How long is the term of office? Do you know?

Ms Cho: I believe it is one year, but it can be renewed for up to six years.

Mr McLean: I think council members serve a three-year term, up to a maximum of three consecutive terms. I will pass for now.

Mr Villeneuve: Ms Cho, thank you for joining us. In your professional position as a curriculum developer, who is your employer?

Ms Cho: I work for the Metro Labour Education and Skills Training Centre, which is a program of the Labour Council of Metropolitan Toronto and York region.

Mr Villeneuve: So you would be dealing with the re-training of adults?

Ms Cho: Yes.

Mr Villeneuve: In that retraining do you from time to time run into people in the nursing profession who have discussed some of their problems with you, members of Ontario Nurses' Association, members of the College of Nurses?

Ms Cho: Not in the capacity I work in at the moment because I am, in a sense, kind of removed from the classroom instruction. Before this job, for 10 years I used to teach English as a second language, as I told you before, and I have encountered some foreign-trained nurses struggling to be members of fully licensed registered nursing in Ontario.

Mr Villeneuve: That would certainly give you a window on the problems faced: language, training and what have you?

Ms Cho: Exactly.

Mr Villeneuve: Back to your professional position as a curriculum developer, have you had the opportunity of working in the development of curriculum in the medical or related fields?

Ms Cho: Some of my students are working in hospitals, and on one occasion I had to edit and coordinate a project of developing curriculum for hospital workers.

There are many working in the maintenance department, but some of them were qualified and entitled to become members of the college—I mean nursing aid assistants and nurses, but they are stuck in their own jobs at the moment.

Mr Frankford: Have you had time to look into the Regulated Health Professions Act that was brought in?

Ms Cho: No, I am sorry, all I know is from the news.

Mr Frankford: Okay. Coming from another country, do you have any sort of general thoughts about the health system or nursing, comparing where you come from with what goes on here?

Ms Cho: I can just think perhaps of episodes that I thought could symbolize what I am thinking of. I came here in 1976 and I was hospitalized to deliver my first baby. The baby had to become a hostage of the hospital just because he had yellow jaundice, which is considered very normal for a newborn baby in my country. Culturally, I never knew it could be considered as a disease and my first son had to be away from me for a few days and I had to be sent home myself without the baby. It was a shocking story, even though I told my doctor and the nurses that I do not think it is a problem. If it is a problem I will bring him back. But the hospital took responsibility of being the parent of the child and I lost the control over my child, which is one thing I could not understand.

While I was staying in the hospital, one of the nurses advised me not to use the soap provided by the hospital, saying it is harmful to use and I was going to use it for my baby to wash his hands. I said, "How come you put this if it is harmful for your patients?" She said, "Well, that's the way it is." I realized it is really out of control and there have got to be some considerations.

The food the hospital provided for a mother who has just delivered a baby was so awful I could not take it. No wonder you could not get recovered soon enough. It wastes a lot of money from a government point of view if a patient has to stay longer just because the food was not proper for the patient. You know, things like that. I have had a few experiences like that.

Mr Frankford: I guess one observation I would make around this is that nurses on the one hand are professionals with professional autonomy under the control of their college; on the other hand, they are employees of institutions such as hospitals. Have you given any thought to how you would like to develop things if you become a member of the college council?

Ms Cho: Could you explain a bit?

Mr Frankford: To ensure, or to make it easier for nurses to be more autonomous professionals, if they are regarded more as professionals than as employees, while on the other hand their working circumstances may make them more responsible to the institution. I think there are dilemmas there and presumably this will come up in your work.

Ms Cho: I think in every level of medicare there has to be more participation and involvement from all sectors, meaning different cultural groups and ethnic groups. We have to utilize fully what we, meaning immigrants, bring

to this country. These days we realize we can learn a lot from the native people. That is an example. I think we can learn a lot from other backgrounds, other cultural groups. I think in every profession workers should feel that they are the owner of the system, they are the contributor to make the system better, instead of, "Well, that's how the system works." That is kind of a very helpless and powerless statement. If you feel you are the owner, you can really be more responsible. I do not know in detail what I can propose, but I am sure if I can become a member I can have more insights.

Mr Frankford: One last question: Do you have any thoughts about the requirements that all nurses should have a bachelor's degree?

Ms Cho: I am sure the professionals can regulate and decide what academic level there should be, but one thing I can say right now is that, let's say I am a nurse trained in my own country, which does not have the concept of a bachelor's degree and does not have a concept of university. Then how would you judge whether the person has the bachelor's degree we perceive in Canada or according to Canadian education?

A few years ago there was kind of a crisis in nurses, a shortage of nurses, and I heard the news that the government had to spend a lot of money to recruit nurses from overseas. At the same time, I see my students being wasted in Ontario, with all their expertise and training, not being able to even apply or even get close to becoming a nurse. That is an employment equity issue, and it is not only in nursing; it is a problem with doctors and dentists and everywhere. But it is going back to what I said: The awareness and learning and pooling all the resources we have in Ontario we have to consider very seriously.

The Chair: There are a couple of minutes left. Does any other government member have a question? Mr Grandmaitre.

1020

Mr Grandmaitre: Miss Cho, when I look at the responsibilities of this position, to participate at board meetings and to participate in formulating board policy with respect to standards of practice for the profession—and I admire your frankness when you say that, no, you do not have related experience—what made you apply for this specific appointment?

Ms Cho: To be honest with you, the office of the Minister of Health approached me, mainly through my work in advocacy for visible minority women in Ontario. Since I have a lot to say in terms of, particularly, employment equity, I thought this is one way of serving society as a citizen to improve the medicare system.

Mr Grandmaitre: It is not because you had experience in nursing or registration requirements and investigation of complaints against practitioners. You have no related experience in those fields and you were approached by the ministry because of your past experience in something unrelated to what your responsibilities will be in the future.

Ms Cho: I can say that I always felt a council like this one, or any governing body of any government agency, should have more participation and involvement from various groups, including a visible minority woman like me. When I look at the list of names of this council, I see all Anglo-Saxon names. No wonder there is a lack of cultural awareness, a lack of the issues on employment equity. How can our voice, meaning the minority group's voice, be heard if you do not give us a chance in the first place? I think this is one way for my voice and our voice to be heard, being part of this kind of council.

Mr Grandmaitre: So what you are telling me is that in the past the council has done a poor job trying to recruit visible minority people or people other than white Anglo-Saxons. Is that what you are telling me?

Ms Cho: There were some problems, definitely, and there was some—what can I say?—waste of human resources and waste of the budget money.

Mr Grandmaitre: My question was very specific. Do you think they have done a poor job in recruiting visible minorities?

Ms Cho: If I say, "Yes, it was poor; yes, it was rich," it would be a very poor rating. One of the reasons I chose to live in Canada is the medicare system in Ontario and in Canada, but there is some room for it to be improved.

Mr Grandmaitre: Tell me about the improvements you would like to see.

Mr Ruprecht: There are thousands of people out there who are qualified.

Mr Marchese: Where are you coming from?

The Chair: Let's have order, please. Mr Grandmaitre has the floor.

Mr Grandmaitre: Tell me about those improvements that you would like to see. Do not pay any attention to these people; they are not being appointed. Tell me about those improvements that you would like to see, things that have really struck you since 1976, did you say, that you have been living in Canada?

Ms Cho: Yes.

Mr Grandmaitre: Tell me about those experiences and what really struck you about them.

Ms Cho: Well, I can just think from my own personal experience at the moment. For example, my father had to be hospitalized for his open-heart surgery two years ago. The basic problem for him was that he did not have any way of communicating with the nurses. At the critical moment between life and death, he had to depend on either me or somebody else. That is one example: translation service in medicare.

I do not know what would be the alternative, but I witnessed in the recent years it has been really improving trying to get out and get the translation service and stuff like that. But would there not be any way of making it a little easier to the patients, to the family? I notice a lot of old people going through the medicare system, particularly from the immigrant's point of view.

It becomes burdensome to the family members of the patients who are dying. I have a friend who had to quit her

own job just to take care of her mother, simply because her mother could not eat the food provided by the hospital and she could not communicate. She could not function at all as a patient in the hospital. Should she be quitting her job to take care of her mother? Is there any way that the medicare system can take a look at and provide some kind of alternative ways of taking care of the patients?

I do not really have anything specific I can propose now, but that is one of the challenges I have in mind. Maybe I can do something about it with other members of the council.

Mr Grandmaitre: You are right on. I think communications are very important, especially with sick people, senior citizens who cannot communicate. I know it is very difficult because I belong to one of the minorities in this province and I think the government is starting to understand the difficulties that these people are faced with, especially when they are hospitalized or they have to be treated. I want to wish you well and I hope you will learn very fast and apply all those great things that you want to change.

Ms Cho: Thank you.

Mr Grandmaitre: Good luck to you.

The Chair: Each caucus has a couple of minutes left. Are there any additional questions?

Mr Ruprecht: You probably know we have been trying for years, even when we were the government, to ensure there is some cultural sensitivity. Especially, I think, a few years ago we made some progress that you no doubt would have supported in terms of equivalency for educational standards from other countries versus Ontario. There was some progress made in that area so that no one who has equivalent education from another country coming to Canada should be discriminated against, because occasionally we felt that was being done to keep some people out or to keep them waiting. However, the facts were that these people were trained well and, after examination between the University of Toronto and other universities, the same curriculum was covered.

Coming back to this particular appointment, and I want to draw some relationship between those two items, in your view have governments, the previous government or this government, done enough to ensure that qualified candidates are being appointed to these positions? That was my first question.

My second question is, do you think the government should begin a mechanism by which it can find qualified people in the minority communities so they could be serving and not flounder around and simply accept almost anyone in their desire, whether qualified or not—no reflection on you—but certainly looking in this specific direction of ensuring that there are qualified minority women or minority men on these boards? The question to you is simply this: Should there be a special mechanism established, and what should that mechanism be so that more sensitivity can be shown to these appointments and qualified people can be found?

1030

Ms Cho: I will begin with the second question, your last question. I believe that this government, the NDP government, is planning to legislate the Employment Equity Act. That is one way of getting there, and I think it should be legislated. It should be across the board, and it should not be just limited to the nursing profession. That is one mechanism that I can think of. By legally regulating it and by its becoming a mandatory measure we can certainly improve to a certain point, but in the employment equity measure itself we need a very efficient outreach mechanism to reach out for those who are not aware of their available access and their rights as yet. We need quite a number of promotional outreach programs in employment equity.

Mr Villeneuve: We have just been—

Ms Cho: But I did not answer—

The Chair: I am sorry, you do not have the time.

Mr Villeneuve: I have just been given your résumé, and I see you are a member of the Office and Professional Employees International Union 343. The nursing profession is considered to be an essential service. As a council member about to be named to the College of Nurses of Ontario, do you agree that nurses must not ever be allowed to strike?

Ms Cho: As a worker, I think they have a right to strike. That is an interesting question. Coming from Korea I have not seen any strikes by teachers, nurses or doctors because of their dignity or their kind of mission in the profession, so that is a really interesting question. All I can say is any worker should have a right to strike.

Mr Waters: I would like to get back to your experience and what you would bring. Could you once again go over what you feel you would bring to this position that would be of benefit? I look at your résumé and I see a long list, so I was wondering if you could once again reaffirm that you do bring something positive to this position, if you could do that.

Ms Cho: I can bring perspectives from the point of view of visible minority people, and I can bring my experience and expertise in employment equity issues, particularly in nursing.

The Chair: Ms Cho, thank you very much for your appearance here this morning. We appreciate it.

Ms Cho: Thank you for the opportunity.

WOLFGANG PUSZTAY

The Chair: The next witness is Wolfgang Pusztay, who is an intended appointee as a member of the Town of Wiarton Police Services Board. Mr Pusztay, would you like to come forward please and take a seat. Welcome to the committee, sir.

Mr Pusztay: Good morning.

The Chair: You have been here for a while so you know how the committee functions. This is a half-hour review, 10 minutes to each party. You were selected for review by the official opposition. We lead off with Mr Grandmaître.

Mr Grandmaître: Do you think that every municipality with a police force or being served by the OPP should be paying its fair share or 100% of whatever services it is receiving in this province?

Mr Pusztay: Pardon me?

Mr Grandmaître: Do you think every municipality being served by the OPP at the present time should be paying 100% of the cost, the full cost of policing?

Mr Pusztay: I understand there is some controversy in Wiarton. My feeling is that anyone who has a contract for services is certainly obligated to follow through with payment, but that would not stop people from lobbying for changes as may be necessary considering statuses in other communities.

Mr Grandmaître: What has been your experience in Wiarton with the police force? What has been your relationship or your experiences? How would you describe your police force?

Mr Pusztay: I think that things have been moving along fairly smoothly. I do not have much contact with the police directly. I see them; they are visible on the highways etc. My interest in being a member of the board is to basically increase my commitment to the community. I am relatively new to the area—I moved there roughly three years ago—and I guess, because of my age and having a growing family and doing business in the town of Wiarton, attending church there, I have decided to get more involved. Some of my background has brought me into contact with police, not only in this province but in Alberta, because of my profession etc, and I see the necessity for better understanding and education and awareness of how the community needs to work with the police forces.

Mr Grandmaître: Having lived in your community for only three years, what got you interested in becoming a member of the police services board? How did you apply? What got you interested?

Mr Pusztay: Specifically, I responded to the ad. What struck me was the bold message to get involved with the community, particularly with the police services. As I mentioned, just some things have been going through my life, wanting to become more involved with my community and contribute in some way. I am particularly interested in the police services board, however, because of a concern I have for our youth and the safety of the kids in the area and what we could do, I think at a very early age, in terms of public education, of having that police involvement, to avoid problems at a later age, that sort of thing. I think there is much more that we could do in that regard.

I have been involved with a newspaper publication called the Parent-Child Guidebook. We promoted such programs as community-oriented policing, kids saying no to drugs etc. That gave us some involvement. My wife and I ran this small newspaper and we did have contact with the OPP detachment in Owen Sound, as well as Wiarton, for articles and that sort of thing.

Mr Grandmaître: How could your police force improve this relationship with your youth? Or are they doing it now?

Mr Pusztay: I think, to some extent, there are some good, positive efforts being made to get involved with youth, particularly in regard to the drug and alcohol problems. One thing I would like to see is what more we could do to address some of the obvious problems related to vandalism and kids having a lot of time on their hands, given that Wiarton is a small town. The population size is 2,200 people. I think there are some things the community and the police need to do to make it a safer environment.

Mr Grandmaître: What would be the most serious crimes, or the most repeated crimes in your community?

Mr Pusztay: Drunken driving, I would imagine. As far as the youth are concerned, it would be a fair amount of vandalism, break and enter, senseless stuff.

1040

Mr Grandmaître: Do you have a pet project? What would you like to accomplish?

Mr Pusztay: It is a bit early for me to say yet. I am not sure what I would address. I think some of that will come out of the meetings with the police force as well as the municipal representatives.

Mr McLean: How far is Wiarton from Owen Sound?

Mr Pusztay: It is about a half-hour drive; I would say 40 kilometres or so.

Mr McLean: Do you work in Owen Sound?

Mr Pusztay: I work out of my home. I have a home office, but I do occasion Owen Sound and the surrounding area.

Mr McLean: Wiarton has its own police force?

Mr Pusztay: No, we do not. We contract OPP services.

Mr McLean: I see. I guess this is now going to happen right across the province, where any municipality that has a contract with the OPP also has a police services board?

Mr Pusztay: That is right.

Mr McLean: How many are going to be on that board?

Mr Pusztay: In our particular board our situation would be the minimum of three: two appointees and a member of council.

Mr McLean: Are the meetings in the daytime or at night?

Mr Pusztay: I am not sure yet. I guess that is to be discussed.

Mr McLean: Really what is happening here is a new service board is being established.

Mr Pusztay: That is right, exactly.

Mr McLean: I wish you luck.

Mr Pusztay: Thank you.

Mr Villeneuve: I have a couple of questions. You know of the situation here last week in downtown Toronto where a police commissioner, I guess in the defence of his business, shot a suspect in an armed robbery. Do you feel he should resign?

Mr Pusztay: To be honest, I do not know very much about the case, other than having heard that he did have a

permit to carry a weapon and that he discharged it in the middle of a robbery. I have a problem with the whole idea of people carrying around guns, so for me it was a totally different issue because I see situations happening like we see across the border. That would concern me more so.

I have not really thought a lot about whether or not this person should resign from the board. I can understand why there would be some concern that he be up front with the rest of the board members and establish what the motives were for a licence and that sort of thing.

Mr Marchese: I have one question around employment equity. The new Police Services Act requires every police force in Ontario to develop an employment equity plan and it speaks about three essential components of that:

“(a) the elimination of systemic barriers to the recruitment and promotion of persons who are members of prescribed groups,” women, disabled, native persons and visible minorities;

“(b) the implementation of positive measures with respect to the recruitment and promotion of those persons, so as to make the police force more representative of the community or communities it serves; and

“(c) specific goals and timetables with respect to the elimination of systemic barriers....”

What is your view of that and how would you, as a member of the board, if you are supportive, make sure all of this happens?

Mr Pusztay: I am not exactly sure if employment equity or budgeting and employment issues come within the mandate, given that we actually contract for services. But if you ask for my view, I am fully in support of employment equity, particularly with regard to representing the local community, given that our population does have a substantial number of natives, for one thing, and there is obviously the need to have women represented as well.

Mr Marchese: I would point out that even if you are contracting out, you would make these conditions, I would presume, for the hiring of at least the officers you would have in the area serving your communities, that these would be conditions under which you would—

Mr Pusztay: Indeed.

Mr Waters: I believe you are actually the first representative of one of these areas who has come before us where you really do not have anything to do with the budget or the hiring or, it is my understanding, even the equity.

Mr Pusztay: That is right.

Mr Waters: That is all done through the OPP. I find it a curious thing and I am a bit curious. Do you see yourself as maybe more of a liaison between the community and the OPP, trying to set the priorities of the community with the local office?

Mr Pusztay: Yes, I do. I think it is more of a liaison situation. What I would bring to this board is the fact that I am still a relatively young family man with a small business, representing that component of our community. It is an aging community. They would have different concerns,

I think, largely expressed by the town council and that kind of thing—the more established individuals and groups.

As I said earlier, I am concerned that we do not forget the youth in our community and do whatever we can to at least express our opinions and our views so that these things get taken into consideration. Wherever the powers that be make those decisions, at least they would hear from us.

Mr Waters: I guess you would also have the summer problem, as do all of us around Georgian Bay, where you have a great influx of seasonal residents and visitors. Trying to cope with that problem would be maybe one of the things that you would do.

Mr Pusztay: That is right.

Mr Waters: Okay. I congratulate you on wanting to be active in your community. I see that you have an extensive background working with young people, and I think you will do very well with the job.

Mr Pusztay: Thank you.

Mr Frankford: The other appointee who was supposed to come this morning but could not is Mr Davies. Do you know him?

Mr Pusztay: I was trying to recall. I know a Mr Davies who is a school teacher, but I am not sure if he is the same person.

Mr Frankford: No, I think he is a probation officer.

Mr Pusztay: Is he? Okay, someone else.

Mr Frankford: He seems to have a remarkably extensive background in criminology, so I wondered if you knew him and whether you had any plans of how you would coordinate.

Mr Pusztay: No, not at this point.

Mr Grandmaitre: The fact is that this is a new police services board. If I can follow up on what Mr Waters was asking you, you will be some kind of watchdog but not a real police services board because, as you have pointed out, you will have nothing to say on the budget, which is most important. Why do you think they asked for a police services board to be established if it is only a watchdog?

Mr Pusztay: I had a look at the act and the need to comply with every community having a police board, and I think it is a way of ensuring that not having your own board is not a way of getting out of the assurance being made that there is community and police cooperation and involvement in providing that service to the community. I see that as a possible way of opting out, and I would be against that.

Mr Grandmaitre: What will be the mandate of this new board?

Mr Pusztay: I think the mandate is to present the views and opinions of members of the community as to how they see the police are serving them and whether it is effective, to give ideas for other ways the services could be provided and to make formal recommendations in regard to employment, budget etc. Whether or not it has any teeth at that level is to be decided.

Mr Grandmaitre: In other words, you are saying that you will be making recommendations but you will not have any power whatsoever to follow through on those recommendations.

Mr Pusztay: That is right, for the time being. There may be a change where at some point Wiarton does have its own police force again.

Mr Callahan: What is the population of Wiarton?

Mr Pusztay: The signs say 2,200. I think it is probably a bit higher now.

Mr Callahan: We have heard about the cutbacks in the OPP. You are policed by the OPP on a contract basis, are you not?

Mr Pusztay: Right.

Mr Callahan: Do you get 24-hour service?

Mr Pusztay: I really do not think so. I am not sure, though.

Mr Callahan: Obviously there has been a cutback in the—

Mr Pusztay: I do not know if there has been a cutback. I know we have access to the police by a call. The local detachment is not operating, but there is service.

1050

Mr Callahan: What detachment looks after you?

Mr Pusztay: Wiarton.

Mr Callahan: Wiarton? You are lucky they are within the range of the kilometres they are allowed to travel, I guess.

Mr Pusztay: Yes, right.

Mr Callahan: Is there a stipend paid for sitting on this board?

Mr Pusztay: I believe there is a small stipend; I have not found out what it is.

Mr Callahan: Who pays the stipend?

Mr Pusztay: The municipality.

Mr Callahan: How many people will be sitting on the Wiarton board?

Mr Pusztay: Three.

Mr Callahan: Are they one provincial appointee and—

Mr Pusztay: Two provincial appointees and one from the council.

Mr Callahan: It does not necessarily have that much to do with your appointment or not, but do have you any idea what the cost will be to the 2,200 people of Wiarton to have a police services board?

Mr Pusztay: No, I really do not.

Mr Callahan: Does anybody have that information as to what the cost will be?

Mr Pond: It is a new board. I talked to the town clerk of Wiarton last week. The logistics are still being developed. They really have no feel for it yet.

Mr Callahan: Okay. Its being a small community—

The Chair: You have half a minute.

Mr Callahan: Oh, okay. I guess you know most of the officers who would be involved?

Mr Pusztay: No, actually I do not.

Mr Callahan: My final question in the little time I have left is, did Wiarton Willie really see his shadow?

Mr Pusztay: No.

Mr McLean: Will you be looking at raising the issue of making sure that Wiarton is covered 24 hours a day by the OPP?

Mr Pusztay: I think I would look at it, yes. I guess I would have to find out a lot more as to what is actually going on. You have to appreciate that I have not been involved to this point, so I do not know—

Mr McLean: So your understanding is that the town of Wiarton will now be paying for police services, through the contract.

Mr Pusztay: That is right.

Mr McLean: Have they had a contract in the past?

Mr Pusztay: I guess this is one that has been going on for a few years anyway.

Mr McLean: In your opinion, once all these police services boards are established across the province, will that then mean that all the municipalities that are not paying for police services will now have to pay for police services?

Mr Pusztay: Not necessarily.

Mr McLean: What would be the point of having a board if there was not something to deal with in regard to providing a service?

Mr Pusztay: I think there is more to deal with than the money. The idea for me is that liaison between the community. I do not think it is a very healthy situation to simply have police contracted to provide a service anonymously in a community. I think you need that communication. To me, that is more important.

Mr McLean: So the community of Wiarton, with a population of 2,200, is now going to pay for police services. Is it fair to say that the towns of Bracebridge and Gravenhurst should not have to pay for police services?

Mr Pusztay: No, I do not.

Mr McLean: Do you think that they should pay for police services?

Mr Pusztay: I think everybody has to look at it; I do not know.

Mr McLean: I would understand then that those municipalities that I mentioned will also be having police service boards?

Mr Pusztay: Sure. Everybody will.

Mr McLean: So what they are doing is establishing police services boards across the province and they are going to deal with the funding that is not there.

Mr Pusztay: Possibly.

Mr McLean: Okay, we will see what is happening.

Mr Waters: I would just like to respond somewhat to what Mr McLean was saying. I would like to make sure that it is put on the record that the towns of Bracebridge

and Gravenhurst, through the District Municipality of Muskoka Act, have a signed contract with this province that says they get OPP policing for nothing. We took a hell of a beating by taking district government. The only thing that we got was free policing. It is a signed contract. I believe we are the only area of the province that has that.

Mr McLean: But that contract could be changed at any time. It would be unfortunate if it was.

The Chair: Mr Pusztay, that concludes your appearance before the committee. Thank you very much for travelling here today.

There is a note on the bottom of your agenda, on page 1, about Mr Davies who is also supposed to appear here. This is going to be discussed at the subcommittee meeting. We can still have Mr Davies appear if we get off and up and running as soon as the House comes back and we are sitting. I think the date is April 15. We are going to try to schedule Mr Davies to appear before us on that date.

Mr Grandmaitre: When is the next subcommittee meeting?

The Chair: Tomorrow. That is my understanding.

Mr Grandmaitre: Tomorrow? What time? At 12?

The Chair: The clerk will talk to us later about it.

HARRY ADAMS

The Chair: Mr Adams, welcome to the committee. Harry Adams is an intended appointee as a member of the Nottawasaga Valley Conservation Authority. Mr Adams, you have been selected for review by the third party, a half-hour review. I will look to Mr McLean to begin questioning.

Mr McLean: Welcome, Harry, to the committee. Some time ago we had the Grand River Conservation Authority in. We did an investigation, more or less, into their operation of the authority there. They are very much in favour of the proposal of the Bugar report. You are familiar with the Bugar report? They want to cut the authorities from 33 to 18. The large authorities appear to me to be very much in favour of that, but I would like to get from you for the record an opinion of what the smaller authorities' concerns are with regard to that.

Mr Adams: Yes, I am familiar with the Bugar report. In some cases I have to agree with it. It is no secret that this is the age of restructuring, and the authorities should not be immune to a restructuring process. Nevertheless, in our case, Nottawasaga Valley, because of our geographic situation relative to the Lake Simcoe Region Conservation Authority, we are adamant that this not take place in regard to those two. I believe that in other areas smaller authorities have undertaken and are serious about amalgamation. I believe also that 33 to 13 is a little severe. I cite our particular case in regard to Lake Simcoe. That being as it may, I am out of touch in regard to what has happened with the Bugar report in the last year. But in our case we are adamant that, with the size and scope of Nottawasaga, it is not practical or good sense to be joined with Lake Simcoe. I believe they are of the same opinion.

Mr McLean: With regard to the mandate and role of the conservation authorities, we have known what that has

been for the last several years, the partnership they have had with the local municipalities, I think one of the best partnerships ever in the province. With the cutbacks last fall, where I think you were asked to pay back 5% or something, do you believe the role and the mandate of the conservation authorities are still in place as they should be?

Mr Adams: Excuse me, still is which?

Mr McLean: Still in place with regard to the province funding the projects that the local authorities want to continue to do.

1100

Mr Adams: Yes, I will be particularly happy about this interview this morning if it does nothing else but highlight the importance of the authorities relative to their position at MNR. We seem to have been producing more with less. The obligations relative to the defence of wetlands and developers who want to develop in wetlands have placed a very important role on the authorities. In our particular case, Mr Chairman and Mr Vice-Chairman, you are aware of our position. We have been operating with less and with more obligations. In our situation in the Nottawasaga Valley we have had a rollover of 17 staff in the last two years. It is very difficult to abide by the mandate when you have that kind of turnover. It is basically because of scale. I do not know whether I can make any stronger point than that.

Mr McLean: I want to go on further with that area, the fact that your authority was asked for 10% back in the fall of 1991. The Nottawasaga Valley Conservation Authority has announced that four parks will also be closed again this year. Is that due to the 10% cutback? If you got that, were able to maintain that, would you be able to open those parks this year, or are you looking for further direction from the ministry on how you are going to open them?

Mr Adams: There are two parts to that situation. One was the financial, that we should cut back. I will give you one example. In one park we had a cost of \$17,000 for cutting grass. The park was not used that much, so that did not make much sense. We looked at the other three. These are Utopia, Glen Cairn, Carruthers and Edenvale. We saved dollars there, bearing in mind that we had to look at this cutback because we had a \$40,000 deficit. That was undertaken. We have another park that is open, that is used and has facilities, New Lowell.

I do not believe that, even if we had the funding, it is our mandate to be in the recreational field. Consequently those parks should be assumed by private operators, if possible, communities that are showing an interest, municipalities, that is. Carruthers is in Nottawasaga township, Edenvale is in Flos township, Utopia is in Essa township. We are looking to these municipalities to provide some assistance in maintaining these facilities. The communities that are affected by these parks are anxious that their municipal governments assume that responsibility.

The Chair: Can I ask a supplementary, Mr McLean, if you do not mind? Are you talking about these municipi-

palities and others assuming ownership or would this be operation on a lease basis or direct ownership?

Mr Adams: Yes, lease in one particular case. Of course, I do not want to bore you with all the details. In one particular case there is a residence in the Carruthers park and the rent from that is \$600 a month. The township and the community feel they should have that money to maintain that park. On leasing, maybe we would lease for a dollar, if there was someone who could manage it properly and keep up its operation. Edenvale is another area on the Nottawasaga River. The community is cutting the grass. It is open because of boaters and so on. I do not know whether I have answered your question in regard to leasing.

Mr McLean: You are looking at it.

Mr Adams: Yes, and we are looking at selling as well. Utopia is a large tract of land and the Champlain division of the girl guides is very interested and hopes to proceed to develop that area for girl guides. It is an excellent spot. It is adjacent to the Tiffin centre, the John L. Jose Learning Centre, which is a reality now. In the last two years, due to restraints and so on, there has been a big change in philosophy in the authorities, not only with ours but with others as well.

Mr McLean: I want to clarify. You said Edenvale was in Flos. I think it is in Vespra, is it not?

Mr Adams: No.

Mr McLean: The Edenvale park?

Mr Adams: No, it is in Flos.

Mr McLean: That is on the other side of the road. That is right.

Mr Adams: Yes.

Mr McLean: My note says it is in Vespra, but I thought it was in Flos.

Mr Villeneuve: I come from an area involved with three conservation authorities: Raisin, South Nation and Rideau. We have run into major problems with the Ministry of Natural Resources interpreting the Department of Fisheries and Oceans criteria regarding anything to do with dredging and what have you. We do know that a certain area of the South Nation has been dredged and the aquatic life has improved considerably, but there seems to be a major problem trying to get some of the so-called experts in the field to accept that. They are causing us great concerns and costs involved in providing reasonable drainage. I realize that the authority mandate is to protect personal property and life. In your opinion, is there too much involvement at the bureaucratic level, and in the eight years that you have been a member of the Nottawasaga have you seen that curtail the commonsense approach that I know a lot of the conservation authorities bring forth although bureaucracy stands in the way? Could you elaborate on that a bit and some of the experiences you have had?

Mr Adams: Yes, we have a particular experience at the moment. We have been charged as an authority by the MNR in regard to destroying spawning beds. That particular act you speak of is the one that seems to have all the

power and glory. I suppose with the pressure by the sportsmen and so on who are very fussy about fishing and anything that would destroy fishing habitat or spawning beds, you can expect that you are going to be under the gun, as we are, in regard to Bear Creek and our authority. To answer your question, I suppose there are certain rules and stipulations that are heavy-handed. In that particular case, I would agree with you that there should be some leeway.

Mr Villeneuve: As a final supplementary, we have notice from the dredging of the South Nation in that area to prevent some very severe flooding, and that was done back in the late 1970s, that the aquatic activity and the quality of aquatic life has improved since then, yet our experts say you cannot touch the natural, and we wind up with a lot of stagnant water. I do not think it is all that conducive to spawning and to aquatic life, and we have found improvements. If we could only make them realize that.

Mr Adams: It is a contradiction. What is the mandate of the authorities? What is their position? All those who represent membership on all of the various authorities are grass-roots people. They are composed of people who are from the particular areas and have a concern. Therefore, I do not think they are going to be reckless in regard to what they do and what they see as reasonable. So, yes, there is maybe some heavy-handedness in regard to the fisheries.

Mr Waters: I noticed the word "Minesing."

Mr Adams: Yes.

Mr Waters: I have some grave concern. I come from the Muskoka area, and being an MPP I am travelling the roads quite a bit, and on Sundays during the summer I notice four-wheel-drive trucks coming down the highway quite a bit, and they are mud from one end to the other. My concern is the Minesing Swamp. I have reason to believe that this thing is being torn up by these vehicles. I was wondering if you had any comments on what is going on in there.

Mr Adams: If you do not mind, I will give you a long answer. How much time do we have, Mr Chairman?

The Chair: A total of 10 minutes.

Mr Waters: I am really concerned about this.

1110

Mr Adams: My township is Vesper, and the Minesing Swamp is in that particular township. My family has been in the area for 125 years and the Minesing Swamp is something we know like the back of our hand, for one reason or another. The Minesing Swamp is something the NVCA is very proud of, the fact that we have now acquired 7,000 acres of that 15,000-acre class 1 wetlands.

To answer your question in regard to four-wheel drives, yes, there was a concern and it was very bad for three or four years. We attempted to bar them by digging trenches and anything possible. We have not had the same problems in the last year. I guess there was a generation of people who were very anxious to go in and see how muddy they could get their four-wheel-drives and how far they could go. It was a concern. We attempted to address

that concern, but we do not have the same problem today as we had.

Mr Waters: You mentioned the wetlands, and I was wondering how you feel about the new wetlands policy going out in designated, significant wetlands. I would like your opinion on that; also maybe—I do not know how much time I have—on one of the other areas. On the south end of Lake Simcoe we have the Holland Marsh. Does the conservation authority have anything to do with trying to save the marsh? Are you people actively working on anything?

Mr Adams: You would have to ask the south Lake Simcoe people that question, but I will say this much for that authority. They have embarked upon a public relations project through TV and so on—and I think Al has likely seen it—to draw the attention of John Public to the seriousness of the overloading of fertilizers and so on, which are drifting into Lake Simcoe; of course, not only there but Rice Lake and a lot of other areas.

It is not in our watershed, but I think the general public—and this is one of the strong factors of the NVCA and other authorities—as each and every one of you well knows, is seriously concerned about the environment, and the role of the NVCA and others is to protect that.

There is a lot to be done and public awareness is very important. I might add, Mr Chairman, that all the 38 authorities are seriously considering a public relations expenditure to draw attention to the plight of the environment and the role of the authorities. We feel that the only way we ever become recognized by the members in the House is through reading the headlines in one of the three leading daily papers. Therefore, somehow or other we have to get through to the members the message of the situation of the authorities and what the mandate is.

Mr Marchese: Mr Adams, I have two questions, one on the Burgar report. You said you were familiar with it. Could you highlight some of the main themes of that report?

Mr Adams: I have to apologize. I am familiar with it because three years ago it was the topic of conversation. The major theme, of course, is restructuring, that there are too many authorities and that to be more efficient we should shrink from 33 to 13.

Mr McLean: To 18 or 19.

Mr Marchese: Yes, 18.

Mr Adams: That is better. I do not recall the financial aspects of that report. I have to apologize for that.

Mr Marchese: That is okay. Mr McLean asked, in terms of the role of the conservation authority, whether or not the role should continue as it has. Just to add to that, do you think it can be restructured in a way to make it more efficient or do you think it is running efficiently now?

Mr Adams: As past chairman, I have to say it is being run efficiently. There is always room for improvement; as we all know as politicians, with the financial situation the way it is, it is important that we do become efficient. That is when we have a shake-out, which we are having, and I do not find all that much wrong with that.

I wonder, with the important role the authority plays, if in the future it should become a separate entity and not be under the wing as much as it is of the Ministry of Natural Resources. On the other side of the ledger, there is some more cooperation between the authority and MNR. There has been a misunderstanding in the past; I hope that is corrected and that we can work in harmony.

Mr Marchese: Do I have time, Mr Chair?

The Chair: Yes.

Mr Marchese: Okay. Another quick question: The Nottawasaga Valley Conservation Authority announced that four of its parks will remain closed for yet another year. Obviously there are budgetary constraints, financial difficulties. Municipalities are in a difficult position in terms of being able to continue to support it, and provincial governments are under similar constraints. Do you have any ideas about how to deal with those budgetary difficulties that you are experiencing?

Mr Adams: This might be of interest to the committee, before I answer that question. Our budget for this year—we had a 2.89% increase. In 1991 the municipal contribution was \$337,000; this year it is \$346,000. We have a total budget of \$3.5 million and, of that, \$2.4 million is going to the Black Ash Creek project in Collingwood. That has been under way for some dozen years, so we are finally getting off the ground in that regard, and we have to because of funding from the provincial level. In 1991 we had a \$1.75-million budget, so we are up to \$3.5 million.

I have always felt—I would be shot, I guess, if I was at home—that the municipalities have got off fairly lightly—and this is a pretty bold statement to make—in regard to their contributions towards the authority. In my mind there is no question. I know in our particular municipality it is \$18,000. The city of Barrie, for example, I think is \$37,000, and it ranges right down to \$200-odd dollars for Medonte township, which is a small portion. In one respect I believe the municipalities could pick up a portion, and I know it is deadly to say that.

Mr Grandmaitre: We have made a note.

Mr Adams: Providing the provincial share and our share, what is due the authorities comes our way.

The Chair: I guess you do not plan to run for municipal office again.

Mr Adams: Maybe that is why I am not out, because I have crossed some swords.

Mr McLean: Mr Chairman, I would like a supplementary on that just to clarify it.

The Chair: We are using up time; we cannot get into that. Are you done, Mr Marchese?

Mr Marchese: Yes, I am.

The Chair: Mr Duignan.

Mr Duignan: Thank you. You have answered some of the questions I was going to ask. You have been a member of the conservation authority since 1984, have you?

Mr Adams: Yes.

Mr Duignan: So you have had quite a bit of experience. You are not part of the conservation authority's liaison committee with MNR right now, are you?

Mr Adams: No. As a matter of fact, the chairman and vice-chairman and our solicitor are meeting with MNR this very day, in this very building, I believe, or close to it. No, I am not, as past chairman.

Mr Duignan: Just a quick question on the whole question of funding for the conservation authorities. It has been suggested that the minister provide funding on a percentage of the total funding, not on the various programs offered by the conservation authority. Have you an opinion on how the authority should be funded and how much and by whom?

Mr Adams: I am not an economist by any stretch of the imagination, and I do not think I would be prepared to make a comment on that question. I would be just swimming and I might drown.

The Chair: I am going to stretch the rules for the Vice-Chairman and allow him a quick supplementary.

1120

Mr McLean: I really wanted a clarification on Mr Marchese's question. On the \$2.4 million that is being spent for the Black Ash Creek, what percentage of that is the town of Collingwood picking up? I think it should be made clear that the local, benefiting municipality picks up the share.

Mr Adams: It is 33%.

Mr McLean: In essence, 33% of the \$2.4 million will be picked up.

Mr Adams: I would appreciate your checking that. I am not positive.

Mr McLean: I just want to make clear that it is not the province that is paying that \$2.4 million; the local municipality is paying its levy, plus an extra, benefiting levy.

Mr Adams: There is the formula, of course.

Mr Grandmaitre: One quick question: Mr Adams, as you have pointed out, one of the Burgar report recommendations would be to diminish—let me see. At the present time, how many authorities are there?

Mr Adams: There are 38.

Mr Grandmaitre: There are 38, not 33, in southern Ontario. Okay. What would be the effect of the Burgar recommendation? What effect would it have if authorities would amalgamate with adjacent neighbours? What would be, in your mind, the effect of this amalgamation?

Mr Adams: At the outset, I made the statement that I am not totally in disagreement with the Burgar report. Mr Chairman, you know, I believe, and all members know that Simcoe county has undergone restructuring. As warden in 1989, I was involved with the beginning of that, and our council is 100% in favour of restructuring. I have to agree with some aspects. There are small authorities where it would be more advantageous to be amalgamated—I do not think there is any question about that—to be more efficient

in regard to numbers etc. It is very minor, but there is a cost factor.

On the other side of the ledger, to be as severe as the Bugar report I think would do an awful lot of damage to authorities. Morally, it is not right and it is not practical. I cited our situation in regard to the south of Lake Simcoe. They are too large to be amalgamated. There is a middle ground, and I expect common sense would steer us that way.

The Chair: Thank you, Mr Adams. We very much appreciate your appearance here today and wish you well.

MICHAEL GRAINGER

The Chair: Our next witness here today is Michael Grainger. Would you like to come forward, Mr Grainger, please. Welcome to Queen's Park. It is good to see you here. Mr Grainger is an intended appointee to the Kingston, Frontenac, Lennox and Addington District Health Council. He has been selected for review by the Conservative Party. Mr McLean or Mr Villeneuve, would you like to start out?

Mr McLean: Is the district health council affiliated in any way with the Ottawa district hospital? Is this part of the mandate with regard to the overall picture of the district health council?

Mr Grainger: This is something, sir, I would not be in a position to answer. I am a new member of the county council and I have just been selected for this board. This is my first meeting in any regard to the health council.

Mr McLean: Did the county council recommend your appointment?

Mr Grainger: Yes, it did.

Mr McLean: Which, Frontenac county?

Mr Grainger: Yes, sir.

Mr McLean: And are you a reeve or a deputy reeve of a municipality?

Mr Grainger: Deputy reeve.

Mr McLean: You were in council before that, were you?

Mr Grainger: Yes.

Mr McLean: I just got your curriculum vitae: Sydenham, Ontario. Do you have anything special you would like to see take place with regard to the district health council you are going to be part of?

Mr Grainger: No, not in particular. I am interested in the way dollars are spent re hospitals and health care. As I say, to put a real finger on anything specific, I cannot really say.

Mr McLean: You would be somewhat familiar with the district health council. The district health council normally makes recommendations to the ministry if it is looking for some changes in different aspects of health care. In your opinion, then, do you feel the district health council has an input into what the ministry is doing? Do you figure that the hospitals, the administrators, are still having more input than the district health council?

Mr Grainger: I would expect that administrators are having more impact.

Mr McLean: Do you know any other members who are on the district health council?

Mr Grainger: No, I do not.

Mr Villeneuve: Mr Grainger, we had a very serious situation in the Ottawa area. I represent a riding south of the Ottawa area that is very rural, like the area you come from. The problem was meningitis. The Ottawa area had a blanket immunization program, to the point where the medical practitioners, the private doctors, in the riding I represent did not even have a vaccine to do what they saw as their professional duty to treat their patients.

In your opinion, as someone who will be sitting on the district health council, how would you view that type of situation where in one area you have everyone being immunized and there is an imaginary line that separates the Ottawa-Carleton area from the riding I represent, which is S-D-G & and East Grenville, and the doctors cannot even get the medication or the inoculant to do their professional business? Would that annoy you?

Mr Grainger: It would. Once again, as I understand it, that inoculant was very scarce; it was very hard to come by. Was there not a difficulty in procuring that?

Mr Villeneuve: There was not for the government; there was for the private medical practitioner. That says there is a rule for the government and a rule for everyone else. That had me concerned. I am asking you, as a dairy farmer and someone who has been close to the grass roots, how that would affect you as a taxpayer and a member of the district health council.

Mr Grainger: I would be very upset about the whole thing. As to what procedure I would like to enact, I am not certain. Certainly the health council should have some jurisdiction there to see that the required vaccine is distributed where it should be.

Mr Frankford: Can you give us some idea of the area covered by the health council?

Mr Grainger: There are 16 municipalities represented in Frontenac county. I presume all of that area would be under the scope of the health council.

Mr Frankford: Including the city of Kingston?

Mr Grainger: No. The city of Kingston, I am quite certain, would not be represented by the county in the same manner.

Mr Frankford: But the district health council would include Kingston, Frontenac, Lennox and Addington.

Mr Grainger: It could, but Frontenac county council does not involve the city of Kingston.

Mr Pond: That may be technically correct. I am not denying that, though this DHC does have a lot to do with Kingston General Hospital, so we have to be careful here. It may not be the city of Kingston that is technically under this DHC's jurisdiction, but medical facilities in the Kingston area do come under the jurisdiction of this DHC.

Mr Frankford: This district health council is not just for your county; this is several counties. I stand to be corrected, but I assume it includes the city of Kingston.

1130

Mr Grainger: It is quite possible but I am just saying that Frontenac county council is an entity in itself. It does not belong to or with the city of Kingston.

Mr Frankford: Right. But you have been appointed as a—

Mr Grainger: Representative of.

Mr Frankford: —political representative on this council which has several types of appointees. It also has provider appointees. You will now in fact be having input into the health resources in a broad area, including the city of Kingston with its teaching hospitals.

Mr Grainger: Right.

Mr Frankford: Could you give us some idea of what you feel would be the local needs in your county for health?

Mr Grainger: I am sure if I come back a year from today I could much better answer your question but I have not even had a meeting with the council as of yet. I am just very naïve. I am not certain.

Mr Frankford: Okay. You mentioned finance. I guess you would be looking for an efficient use of funds.

Mr Grainger: Exactly.

Mr Frankford: And more funds maybe.

Mr Grainger: And where the funds are spent and how wisely they are spent.

Mr Frankford: Although decisions you make will influence the spending of those funds, they on the whole will not generate funds. Do you have any awareness of the use of medical facilities in Kingston and in the area by Americans from across the border?

Mr Grainger: No, I would not.

Mr Frankford: Presumably there is some, is there not?

Mr Grainger: Very little, from the knowledge I would have.

Mr Frankford: The hinterland there in New York state is rather underpopulated, is it not?

Mr Grainger: Yes, that is true.

Mr Frankford: I would think that there is actually potential for cross-border shopping by Americans.

Mr Grainger: If there is, it certainly has not made the headlines, let's put it that way. The potential is probably there.

Mr Frankford: Would this perhaps be something you could encourage at the council to increase the revenue?

Mr Grainger: It is certainly a thought, yes. It is a good idea.

Ms S. Murdock: I know sometimes these are intimidating or seem to be intimidating, but we are actually just as interested in you as in finding out more about what has to be done.

District health councils for me are a really important issue up in my area and the role that they play now but also the role they are going to be playing in the future. I am wondering if you have any thoughts on what that role will be and whether you, in your role as a council member, will be looking at it more from a perspective of Frontenac county or from a perspective of the medical facilities or needs of the entire district.

Mr Grainger: Now, the entire district, do you mean other than Frontenac county?

Ms S. Murdock: Of the district health council. My understanding is, you are going to be sitting on a district health council that covers the medical needs, regardless of what they are, of a large area. The reason you will be on there is because you are a councillor from Frontenac.

Mr Grainger: Right.

Ms S. Murdock: I guess I see the position on the district health council as being one where, although you are wearing that hat of Frontenac, your mandate would be different than a Frontenac councillor's.

Mr Grainger: Simply because there are so many districts or regions involved, is that what you mean, other than just Frontenac?

Ms S. Murdock: I am obviously not saying it very well. You stated that one of your main concerns on this was financial, that you want to look at the money, which of course I can fully understand, given the cost of health care. Having said that, then you will be looking at it in terms of what it is going to cost Frontenac.

Mr Grainger: Right.

Ms S. Murdock: But that your mandate is not just parochial.

Mr Grainger: Yes, sure, wider.

Ms S. Murdock: Your mandate is larger. I am wondering how you are going to be able to differentiate that or what you think of it in terms of what the district health council's mandate is. No?

Mr Grainger: No, I would not say no. I am not certain how I would personally view that. It certainly would have to do with the population, I suppose, and the number of people from the district, and I am not certain even of the district that it covers.

Ms S. Murdock: I know that as far as the district health council's future role is concerned, decisions regarding specific areas will not be made so centrally. It may not take the same form as the district health councils at present but there are going to be some decision-making processes in terms of money allocation and individual needs of the community. That is why I think it is really important, and why I have been asking the questions, that the needs of an entire area have to be looked at even more than the individual needs of a particular area.

Mr Grainger: You are saying possibly because it might be more sparsely populated?

Ms S. Murdock: No, I am from the north, so when you talk about sparse population I know exactly what it is

like. For instance, we have a cancer care treatment centre in my riding that covers all of northeastern Ontario, so it is really important in my community that the cancer care treatment services and the support services are provided. Our district health council has to look at the whole area for all of northeastern Ontario, basically, in making its decisions. I am wondering how you are going to do that or how you see your role in that for your whole area—and I am not familiar with your area at all, so I really do not know what its situation is in terms of population.

Mr Grainger: I cannot directly answer that because I would have to wait and see how things fall into place.

Ms S. Murdock: Well, good luck.

Mr Grainger: Thank you.

Mr Callahan: On June 19, 1991, this standing committee reviewed the order-in-council appointment of a Catherine Wetter as chair of the District Health Council of Eastern Ontario. She indicated that the ministry often failed to respond at all to reports submitted by her DHC. In her words, "The report seemed to disappear into a black hole."

The reason I raise that is because we have a district health council in my community that had been looking at a health facility on 43 acres of land that was in fact owned by the Chinguacousy health services board. It had gotten to the stage of a model and was ready to go into the ground. Now I understand it is just being ignored. Having told you that, I ask if you are still interested in being a representative on the district health council, flapping your wings and getting no place.

Mr Grandmaitre: That is a leading question.

Mr Grainger: I think that is one of the reasons I ran as a municipal politician, because I disagreed with some of the practices that were being practised in our municipality. I felt that was the only way that some changes might possibly be made: by, as you say, flapping your wings and making yourself heard. If somebody does not get out there and raise a stink, so to speak, who is going to take the bull by the horns and at least make these issues known?

Mr Callahan: That was one of the concerns of AMO, that the people on the district health council were not elected and therefore were not accountable to the people of the community, but could in fact have an effect on the decisions made by elected bodies in terms of how dollars were spent.

In fact that has happened in my community. The regional government has had some \$9 million just sitting there waiting to plow into this project and thus far the project has become nothing more than a flapping-wing situation for a community that is now 190,000 people strong with one hospital. I am saying this for your benefit, Frances, and when you read this I hope you take note of what I am saying, because the people of Brampton are very upset that there is not something happening.

Do you really think that getting on the district health council is going to give you an opportunity to further the health needs of that community? I mean, recognizing what

is going on right now in terms of what projects are being recognized by the minister from what the district health council has suggested, is there really any need or any purpose for district health councils any more?

Mr Grainger: It is rather obvious that you know a lot more about the situation than I do.

Mr Callahan: I am also very frustrated.

Mr Grainger: I can understand that.

Mr Callahan: What is your understanding of DHCs vis-à-vis the ministry? How do you see them functioning?

Mr Grainger: I certainly have not spent any time dwelling on this at all because, as I told you earlier, it is entirely new to me.

Mr Callahan: I would hesitate to offer you any advice but I will anyway. After you have met with us today and had our questions asked of you, I would suggest that you have lunch with some of your colleagues on the district health council and find out just how they believe the situation is working. It certainly was a good idea when it started, in terms of district health councils approving of something before the ministry started funding, but now it has just become nothing more than a stall tactic, I hate to say, and I say that with all due respect to these men and women who have offered their time and effort to work on these district health councils, many times without any great thanks. They are simply being cut off; they are nothing more than mere smoke and mirrors.

I would hope that you would meet with your colleagues on the district health council. If I am wrong perhaps they will send me their cards and letters telling me that I do not know what I am talking about, but if I am right, I would hope that you and your colleagues would raise blank, blank with the ministry to make certain they do come back to the role they are supposed to carry out.

Mr Grainger: Your feeling is that the health council is serving but very little purpose—

Mr Callahan: I think they are being ignored and that disturbs me. As I say, I have to use the particular example of my community where we have 45 or 46 acres of land. We have had it for 20 years, and we probably could have built our own hospital. We got within a hair's breadth of getting it built and suddenly it does not happen any more; it is not going to happen. The minister does not know anything about it and when you ask her about it she says she will find out and she does not.

Mr Duignan: Why didn't you do something about it when you were in power?

Mr Callahan: Mr Duignan says that my government did not do anything about it. My government carried it forward to that point, and had the people of Ontario not been foolish enough to take that excursion into fantasyland, the thing would have in fact be built. I do not normally get partisan at these things but—

Interjections.

The Chair: I think Mr Callahan was a little provoked, but at the same time perhaps his comments were provocative as well.

In any event, Mr Grainger, thank you for travelling all the way up here today. We very much appreciate it and wish you well with your new responsibilities.

Mr Grainger: Thank you kindly, and maybe I can report back some time and have something positive to speak about.

Mr Callahan: Let us know how it is.

The Chair: Thanks again. That concludes our agenda for this morning. We will break for lunch now and reconvene at 2 o'clock.

The committee recessed at 1144.

AFTERNOON SITTING

The committee resumed at 1407.

The Chair: Could we come to order, please. Before we get under way with our first witness, I want to indicate to members that we have received a memorandum from Susan Colley, the executive assistant to the Minister of Health, with respect to our review of Meera Cho this morning, the appointee to the council of the College of Nurses of Ontario. She is taking exception, I guess is not too strong a description, to a couple of points that were raised this morning during the discussion.

The clerk will circulate this memo, but I have talked to Dave Pond, our researcher, about the materials and David stands by his materials and information provided to us in the research documents. Even though Ms Colley is taking exception to some of the facts that were brought forward, we believe at this stage that she is incorrect and not our researcher.

What we are going to do is respond to this. We will send the memo around to the members and respond to it with a copy of David's research document. Okay? We will circulate this a little later.

Mr Grandmaitre: Will we discuss this in open meeting, Mr Chair, or what?

The Chair: After you take a look at the memo, if you think it is necessary, we will see what kind of response we get back from Ms Colley. If the record has to be corrected, we can correct the record.

Mr Grandmaitre: Okay.

ALOK MUKHERJEE

The Chair: Alok Mukherjee. I hope I am pronouncing your name correctly.

Mr Mukherjee: Almost correctly.

The Chair: Mr Mukherjee, welcome to the committee. We appreciate your appearance here this afternoon. This is a half-hour review. You have been selected for review by the government party and I look to someone on the government's side to begin questioning. Mr Marchese.

Mr Marchese: A hundred per cent correct. Good to have you here, Alok. One of the concerns many of the members have with the Ontario Human Rights Commission altogether has to do with the backlog, and I am sure you are very well aware of that. In spite of all the efforts that have been made over the years, the backlog is still very large, little progress has been made in reducing it, and the continued backlog problem amounted to a failure to enforce the Human Rights Code properly.

The government has made some response to that and hired a team of 33 public servants to deal with that. Deadlines for closing all cases are to be established and all that. In addition, the minister has announced a task force to conduct a comprehensive review of the enforcement procedures.

Can you comment on the history of all that? Can you even comment to what we are doing, from your point of view, wondering whether or not we are on the right track,

whether or not there are other suggestions that you can make about how to deal with it, or perhaps identify other problems you think we have not dealt with?

Mr Mukherjee: Obviously the very important question is that there have been concerns for a long time in the communities about the backlog of cases that have been outstanding anywhere from six months to three years.

The initiatives that have been taken—and since I am not a part of the commission, I can only speak from what I know from outside—seem to be producing at least some result in terms of beginning to reduce that backlog. From what I gather, initiatives such as case management and early settlement initiatives and Project 1000 have led to some significant decline in the backlog.

I think we have to keep in mind also that while we may, through special or ad hoc initiatives like that, reduce the existing backlog, if we do a good and effective job of protecting and enforcing human rights, complaints will increase. As more and more people become aware of their rights and the remedies available, they will come forward.

I think we have to think in several tracks. One of them is to take whatever emergency measures are needed to reduce the existing backlog. The other is to then begin to think organizationally on how we can improve the effectiveness of the way the commissioners function so that we do not get into this situation once in a while and then have to look at additional resources, additional people, emergency responses to reduce the backlog.

My feeling is that we have to take a serious look at how the commission has been working, so that we can take preventive measures, one of which I think is looking much more closely than I think the commission has at systemic issues, which I believe are most often the cause of the complaint. I think we have spent in this province considerable resources in dealing with individual cases, but unless we address the systemic issues those cases will continue to come forward.

In the long run, preventive measures such as initiating or looking at public policy issues that come out of individual complaints and dealing with them is worth serious consideration. I think in that respect the work that the Cornish task force is doing may be of some help in identifying some of the areas where we need to take the systemic route as opposed to handling individual cases only.

I think there are several things. One is giving priority to systemic complaints, addressing them effectively. The other is taking a serious look at how the commission has functioned: allocation of resources, decision-making structures, the role of the commissioners, having a comprehensive or a coherent strategic vision for the commission. I believe those are things that have not been done as well as they could have been done in the past, and my sense is, with the task force and all that, that there is an attempt now to take a more comprehensive look at the commission.

Mr Marchese: You raised the question of whether or not the commission should be dealing with individual cases or should be attempting to deal with systemic problems, and

this is a question that a number of other people have raised in the past. Do you think that by empowering the commission with that, it could slow down the backlog even further, at least in the short run, or do you think that somebody else in provincial government should be empowered to deal with this? Can the commission do that alone and so on? You might want to comment on that.

Mr Mukherjee: I do not believe they are either/or. I think it is important to take action in the case of individual complaints, if people have that right and it is an obligation to respond to that. My feeling is that if we keep responding only to individual complaints and do not pay sufficient attention to their root source, which is the systems and structures and the way we have done things that lead to discrimination, we will never be able to prevent the likelihood of individual complaints.

My other feeling is that the commission has focused its attention primarily on individual cases, and it has begun to look at systemic cases. I think we need to increase that aspect of the commission's function.

Mr Marchese: You have worked in the field of anti-racist education for quite some time, and you obviously have a lot of contacts in the field. What kinds of experiences do some of the people you are talking to or meeting with have with the Ontario Human Rights Commission, positive or negative?

Mr Mukherjee: It depends. When I was with the Toronto board as race relations adviser and we were setting up some employment equity programs, I must say that I had excellent cooperation from the officials in the commission in helping me to develop the workforce survey instruments, in processing the legal requirements quickly so that we could get on with it. On the other hand, where complaints by individual employees were concerned, which I also had to deal with, I thought the time taken and the process were both long and complex. So I will make a distinction between the commission's role in helping organizations when a personal contact is made as opposed to resolving complaints, and the delay I thought was inordinate.

I have had some conversations just a couple of weeks ago with a former teacher. She has not even had an interview, and her complaint has been two years old, so I think that is the problem.

Mr Marchese: Mr Chairman, other members have questions.

The Chair: We have another minute if there is a member of the government group—Mr Waters, do you have a quick question?

Mr Waters: No, I was just sitting here reading over your résumé and I was thoroughly impressed with it all. I would just wish you well in your endeavours. Hopefully we will have the answer on this this afternoon and you will move on with what you can do for us.

Mr Mukherjee: Thank you very much.

The Chair: We have Mr Callahan and Mr Ruprecht. Mr Callahan first.

Mr Callahan: Mr Mukherjee, do you believe in gag orders? Do you know what a gag order is?

Mr Mukherjee: Yes.

Mr Callahan: What do you think a gag order is?

Mr Mukherjee: A gag order is when neither party is allowed to speak on the resolution or disposition of the case.

Mr Callahan: Okay, you are quite right. Do you believe in gag orders?

Mr Mukherjee: I have difficulties with them.

Mr Callahan: In other words, if the—

Mr Mukherjee: But I hesitate to give you a blanket answer, because it would depend so much on the individual case.

1420

Mr Callahan: The reason I ask is that you gave, I thought, a very sensitive and considered answer to Mr Marchese about how you felt that the end of the rainbow—that to eliminate racism would be not just to continue to make settlements but to try to educate and discover the reasons people conduct themselves that way.

It seems to me that every time a gag order is made on the parties to a settlement it does nothing to further that objective. It is a payoff and does not get at the root of what causes racism. You have given a good answer there too, and I think an honest one, that you do not believe in gag orders per se but you do not want to make a general statement as to whether you would support the elimination of gag orders.

Mr Mukherjee: I said I had some problems with them precisely for the reasons you have said, that systemic cases, particularly if well publicized and sensitively publicized, could play an educational role. From the outside, I was somewhat surprised when I read about a couple of cases where a decision was made not to publicize them because I thought they could have had an educational impact. However, I am not privy to the considerations that led to the decision not to publicize them.

Mr Callahan: It would seem to me that gag orders have the additional negative impact of making the public very suspicious about what is going on within the framework of this board. Of course, that in itself does not create a fair and fertile atmosphere for us all to understand one another and get rid of some of this childishness of being racist.

I appreciate your candid comments. I hope that, as a member of the board, you would encourage the others on the board because obviously those who are presently on the board must have been privy to some of these gag orders. If that continues, the public will become terribly disenchanted with the whole process and instead of achieving a harmony I think we all like to achieve as best we can as human beings, we are perhaps going to create a situation where that is not going to be the case. I would like to yield to my colleague for a few minutes as well.

Mr Ruprecht: Mr Mukherjee, I see that you produced a wonderful résumé and I am looking at the advocacy part on your last page—

Mr Marchese: Is he qualified?

Mr Ruprecht: Pardon? Oh, I see. Mr Marchese is—

Mr Marchese: Just making reference to your comments in the morning.

Mr Ruprecht: No, I do not want to shout at you this afternoon.

You indicated here that you are not only sensitive in helping the south Asian community, but you have also provided some leadership and advocacy for black educators in Nova Scotia. You have also played a leadership role in the financial redress issue of the National Association of Japanese Canadians. What leadership role did you play with black educators in Nova Scotia?

Mr Mukherjee: I was invited by the Black Educators Association in Nova Scotia. I should tell you that is the umbrella body of educators for indigenous blacks in Nova Scotia. They invited me to come and help them through a three-day process of strategizing and developing an approach that they could use to work more effectively on the issues that, as you are well aware, have been agitating the black community in Nova Scotia. In effect, I took them through a whole process of thinking through and prioritizing the issues and developing an approach that they could use effectively with the Nova Scotia society as well as the government in getting some responses to—

Mr Ruprecht: Then you played a role with the Japanese Canadians, I assume.

Mr Mukherjee: Yes. I was at that time a member of the city of Toronto mayor's committee. This goes back to the 1980s, and the representatives of the National Association of Japanese Canadians came to make a presentation to the mayor's committee for support. What had been happening is that in most cases where the council or the committee went to make a presentation, they got expressions of support, such as a resolution saying, "Yes, we support you." What they were looking for was some financial support in order to be able to carry out an audit of the kind of dollar amounts they should be negotiating with the federal government. I worked with the mayor's committee to provide them with the funding in order that they could hire an auditor to carry out such an audit.

Mr Ruprecht: Do you then believe the Ukrainians, the Italians, the Jews and the Germans should be in a similar situation because of the "policies" that were enforced throughout the Second World War? Would you be an advocate for that as well, or did you just separate the Japanese Canadians for special treatment?

Mr Mukherjee: I do not know if it was special treatment.

Mr Ruprecht: By special treatment, to clarify this, I mean to get financial compensation. My question would be, would you then be an advocate for a financial compensation for those communities which also claim that they wish to have financial compensation, namely, the Ukrainians, the Italians—I am not sure about the Germans and the Jews, but certainly there have been some rumours in those communities as well.

Mr Mukherjee: I think it is very important to be sensitive to the specifics of each situation. What we were

dealing with here in the case of Japanese Canadians was a legal action against a group of Canadians to deprive them of their rights to property and livelihood and so on. If there are other groups—and I think we are going through a similar kind of discussion in a much more profound way with respect to the rights of the aboriginal communities—I think we have to look at each case on its own merits and on the specifics of the situation. If there are other communities who can come up and show they were treated the way the Japanese Canadians were treated, I think society will have an obligation to look at that. I would not give a more definite response with respect to the specific communities you have mentioned, but I think as a community, as a society, that believes in civilized values, we will have to look at the specifics of each situation.

Mr Ruprecht: Do you remember what the Japanese Canadians received from the federal government for compensation?

Mr Mukherjee: I do not remember the exact dollar amounts. I am a bit concerned that one of the things that was part of the settlement has fallen victim to the financial situation, namely, the human rights and race relations institute that was to have been established as a result.

Mr Villeneuve: Mr Mukherjee, you have a very impressive résumé. As a member of the Ontario Human Rights Commission, you will be asked to deal with a number of very difficult issues. I think one of them would be some of the alleged activities that pertain to policing. Others would be decisions by school boards and what have you. Could you comment as to your thoughts on some of the decisions, particularly as they have affected our school boards, particularly in the city of Toronto, where we have multicultural scenarios? Possibly your comments would help to enlighten us as to your thoughts in this direction.

Mr Mukherjee: I would love to talk about the Toronto Board of Education. I worked there for many years.

Mr Villeneuve: I thought you might.

1430

Mr Mukherjee: I think what we are talking about when we talk about human rights and so on is attempting to create an equitable society where individuals, men and women, regardless of which group they come from, have equal access to opportunities and equal results in terms of those opportunities.

With regard to the Toronto board specifically and the school system generally, I think there are some disturbing issues that we need to look at, issues of access and equity with regard to who gets to work, who gets to do what, what education is provided, how relevant they are to the needs of all children, and how sensitive and reflective they are of the population being educated.

While we have had some success provincially—because I know of other boards of education; just a few weeks ago I was in west Parry Sound working with the board there, and as you may know, west Parry Sound has five native bands surrounding it—I think we have to take a very serious look at how appropriate what is in the curriculum and

how it is delivered is to today's society and how well it meets the expectations that today's children have.

I give you an example that comes to my mind. As you know, February is Black History Month in school boards in most parts of the province. We had a couple of other important events at the same time as well, such as Remembrance Day and the 40th anniversary of Queen Elizabeth's becoming queen. My own son came home and said, "Why is it that my school had an assembly for Remembrance Day and for Queen Elizabeth's 40th anniversary, but nothing for Black History Month?" I think when we miss out like that, we give some messages to children. We have to ask ourselves, what is that message and how sensitive is that to the population of today? So we have some work to do.

I believe progress has been made. For example, in the Toronto board and the North York board and so on, there are reports and there are implementation policies around the education of black children. In Toronto there is now a committee on the education of native children, and a native studies curriculum has been developed. There is an employment equity program in place to make sure that people from a variety of backgrounds are hired and are available as role models in the classroom.

What is frustrating is how long it takes. What is frustrating is that people seem to have to keep on fighting in order to go from step A to step B. I think we have to get to a situation where that does not have to happen. That says to me that government, for example, has a responsibility to give some guidelines and have some requirements that are very explicit and that are backed up with resources.

It says to me that teacher training colleges have a responsibility. I was speaking to students at the faculty of education the other day on anti-racist education. It turned out that I was there because students had asked for it, not because teaching about race and gender and discrimination was part of the training they were getting. So I think we have to take a serious look at all those things.

That says to me also that we need to develop a very comprehensive notion of what equity is, what we mean by it and what the various areas are in which we need to do work in order to get there.

Mr Villeneuve: You have touched on some of the native issues, but I will take maybe one incident as it made some headlines several years ago: the ceremonial dagger. A great deal of media coverage was given to it. Do you feel the right decisions were made at that time? If you had been a member of the human rights commission at that time, how would you have perceived this to be, or is this important to you?

Mr Mukherjee: It is important. In fact, we had to deal with it at the board and I thought we became too cautious in that we decided not to make a decision and rather wait for somebody else to make a decision. The Peel board case was going through the channels and we decided to wait for the outcome of that case. We had a good debate at the board. My view, when the director asked me how the dagger issue should be resolved, was twofold: first, that if it was an integral part of the religious practices of that group we had an obligation to accept and recognize that;

and second, if we opened a dialogue with the Sikh community, it would be possible to come up with a solution whereby it would not be necessary for children to carry the full-size dagger that was causing so much problem. There may be other symbolic ways the community might cooperate with us to resolve that.

The first thing was for people to get over the mental obstacle. That was a big problem. They did not want even to deal with the issue. We heard from a number of people in the administration who saw the dagger as an offensive weapon that might cause damage or violence, when history showed that the dagger had never been used in any fight in any school. The revelation to me was that before we take any legal route we had an educational role to play here with people in positions of power whose immediate response was thoughtless and expressive of fear so that they could not get to the next step and say, "All right, what is it that we need to do here to respect the rights of the community?"

Mr Villeneuve: Would you feel the same way about, say, the Lord's Prayer for those who follow the Christian observance?

Mr Mukherjee: I thought the solution we came up with, not just in the Toronto board but in several boards, was the right one in that we developed a book of readings and prayers, of which the Lord's Prayer is an important part. It gives schools the opportunity to expose children to the prayers and spiritual readings of a variety of religious backgrounds and communities. I think that was a creative solution. It did not reject the Lord's Prayer; we do not have to give up all the traditions; but it said that in today's society we need to broaden that. That is what we did and I thought that was the right way to go.

The Chair: Time for one quick question, Mr McLean.

Mr McLean: You very strongly identify equal opportunity for all. On the application to the boards and commissions there are four or five different questions to answer with regard to different minorities. Do you agree that on an application they should tick off what their minority is or whether they are not minority?

Mr Mukherjee: I hope we would need to ask those questions for a temporary period of time. Collecting information is a troublesome issue. The problem is that if we do not have the information we do not know if we are achieving the results we are seeking. At the same time, if we ask the questions there are people who will feel offended. So I think we need to be very clear as to why we are doing this and that this is time-specific. Once we have collected enough information so that we know the trends, we should be able to then come up with solutions and not confuse data gathering as the only response to seeking equity; data gathering not for its own sake but for a purpose. That purpose has to be time-bound and time-specific.

The Chair: Thank you very much, Mr Mukherjee. We appreciate your appearance here today and wish you well.

Mr Mukherjee: Thank you very much.

1440

The Chair: With the consent of members, I would like to just very briefly deviate from the agenda before we

deal with concurrences and ask Marilyn Roycroft, who is replacing Carol Phillips in the appointments secretariat, to just come up and say hello to the committee in a formal way. I, through the clerk, assured Marilyn there would be no questions. I do not think it would be fair to her, being new in the role, but if we have any comments we would like very briefly to direct her way, that is fine. I am sure she would appreciate receiving them. Marilyn, do you have anything you would like to say at this juncture?

Ms Roycroft: I just want to say I appreciated very much the opportunity to be here today and watch the committee in action. I hope to be here again when you reconvene after the House comes back. I relayed that I would prefer not to take questions at this point, mainly because I am actually not officially here until next week, but I am certainly prepared to meet with any of you or hear from any of you at that point, and I will be in the office full-time at that point.

Interjection.

Ms Roycroft: That has been said to me before this week.

Mr Callahan: Where is your office?

Ms Roycroft: In the Mowat Block.

The Chair: Just for my own personal information, Marilyn, what were you doing prior to this appointment?

Ms Roycroft: I spent the last seven years working with the Federation of Women Teachers' Associations of Ontario. I did public relations and political action with them. Some of the members here may remember I spent a number of years in the mid-1970s here at Queen's Park as a researcher, so I am familiar with some of the faces. I am looking forward to coming back, so I will see you in a few short weeks.

The Chair: Congratulations, and we look forward to working with you.

Ms Roycroft: Thank you very much.

The Chair: The next matter on the agenda is concurrences. We can deal with them, as most members are familiar with, as a block or we can do them on an individual basis, if one member requests they be done individually. If not, we will deal with them as a group.

What is the feeling? Can we have a motion to concur with all of the—

Mr McLean: Mr Chair, are you looking at that memo we got?

The Chair: I am going back to the agenda now and then we can deal with the memo. If we can have a motion to concur with the appointments before us today.

Mr McLean: Are we dealing with them individually or all of them at one time?

The Chair: That is the question I just posed before. If any member wishes to deal with them individually, we have to deal with them individually.

Mr McLean: I do. I want them dealt with individually.

The Chair: All right. We will turn to the agenda. I am looking for a motion to concur with the appointment

of Meera Cho to the council of the College of Nurses of Ontario.

Mr Waters moves that the committee concur in the appointment of Meera Cho.

Motion agreed to.

The Chair: The next one is Wolfgang Pusztay to the Town of Warton Police Services Board. Do we have a motion to concur with that appointment?

Mr Frankford moves that the committee concur in the appointment of Wolfgang Pusztay.

Motion agreed to.

The Chair: Motion for Harry Adams to the Nottawasaga Valley Conservation Authority.

Mr Waters moves that the committee concur in the appointment of Harry Adams.

Motion agreed to.

The Chair: Next we need a motion for Michael Grainger to the Kingston, Frontenac, Lennox and Addington District Health Council.

Mr Waters moves that the committee concur in the appointment of Michael Grainger.

Mr Marchese: For clarity, do we have to approve that appointment, given that it is not something we approve or disapprove of necessarily?

The Chair: That is a good question, but since we did call it before us and it is an order-in-council appointee, I believe we are required to do so, although, as we indicated, it should not and hopefully will not be a practice to call those sorts of appointees before us in the future. Was that the point you were making?

Ms S. Murdock: That was essentially what I was going to say, in that if it is something beyond our ken, if a municipality has power to make the appointment, then I do not know why we spent—not that it was not interesting talking to Mr Grainger, but I do not know why we spent our time to do it.

Mr Callahan: Because I sent a message to Frances—

Ms Murdock: I would point out, though, Mr Chair, that in item 5, "statement of criteria by which intended candidate was chosen," it does state that, "The representatives must be involved in municipal government and interested in serving on the district health council." Based on the questions this morning, I have some difficulty in seeing the interest that was demonstrated by the candidate. I would just like to put that on the record.

The Chair: Your views are noted. I might say, in the presence of Ms Roycroft, that this certificate, when we selected this individual for review, and this has just been confirmed by the clerk, was not clearly identified, as they usually are, as a municipal appointee. Hopefully that is something that in the future will be very clearly indicated on the certificate, that this is a municipal appointee, and we will not have a problem with it in the future.

Someone did move that, did they not? Mr Waters moved.

Motion agreed to.

The Chair: Finally, Mr Mukherjee's appointment to the Ontario Human Rights Commission, motion to concur?

Mr Marchese moves that the committee concur in the appointment of Mr Mukherjee.

Motion agreed to.

The Chair: Finally, again this is not on our agenda, but you have all had an opportunity to take a look at this memo; it has been circulated. Mr McLean, did you want to say something?

Mr Callahan: I thought it was in answer to what I said this morning.

Mr McLean: No, I was just curious if it was going to be dealt with, and I guess it stems from the question or the remark I made and what I went by was in my briefing notes, and if that is wrong, then the record should be corrected.

The Chair: Mr Pond assures us that the briefing notes are correct. Would you like to comment on it at this point, David?

Mr Pond: Just very briefly, the Health Disciplines Act, which is what the memo refers to, was substantively amended more or less out of existence in 1991 by the Regulated Health Professions Act and in the case of nurses by the new Nursing Act. Under those two statutes the size and structure of the council was radically changed. In fact, when the College of Nurses itself appeared before the standing committee on social development last August 7, it actually brought this to the attention of the members, that

it was a larger council, more laypersons would be appointed, the council may have some concerns and so on.

I am going to leave it at that. That statute went through the House last October. I rather suspect that perhaps some people were not aware of that and I am just going to leave it at that.

The Chair: Our memo should serve to bring the minister's office up to speed on the legislation. Anything further on this? If we get some feedback, obviously we will bring it to members' attention. Okay, nothing else? We will adjourn and see you all tomorrow—oh, sorry, Mr Marchese.

Mr Marchese: You said if we get some feedback, we will bring this information that was given by Mr Pond to their attention as opposed to doing that in response to this?

The Chair: We are going to respond to this.

Mr Marchese: Okay, very well.

The Chair: If we get feedback from the response, we will bring it to your attention.

Mr Marchese: Further feedback from the response; very well.

The Chair: Okay. We will see you tomorrow morning. Meeting adjourned.

The committee adjourned at 1448.

CONTENTS

Tuesday 24 March 1992

| | |
|----------------------------|-------|
| Appointments review | A-935 |
| Meerai Cho | A-935 |
| Wolfgang Puszta | A-938 |
| Harry Adams | A-941 |
| Michael Grainger | A-945 |
| Alok Mukherjee | A-949 |

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Table of Contents

Table of Contents for proceedings reported in this issue appears at the back, together with a list of committee members and others taking part.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 25 March 1992

The committee met at 1007 in room 228.

APPOINTMENTS REVIEW

Resuming consideration of intended appointments.

PAUL A. LOFTUS

The Chair: I call the meeting to order. The first matter on the agenda this morning is a 30-minute review of an intended appointment to the Rent Review Hearings Board, Mr Paul Loftus. We appreciate your appearance here this morning. You have probably been informed that this is a 30-minute review. We have 10 minutes afforded to each party for questions and responses during that period of time. Your review was a selection of the official opposition, so we are going to begin with Mr Grandmaître.

Mr Grandmaître: Could you briefly tell me what your present responsibilities are?

Mr Loftus: My present responsibilities? I am a nominee at this point, but I was with rent review services before becoming a nominee for the position on the board. The position that I formerly occupied?

Mr Grandmaître: Yes.

Mr Loftus: I was acting education adviser when I became a nominee.

Mr Grandmaître: Are you being seconded?

Mr Loftus: I am being seconded. I am a civil servant being seconded for one year to the Rent Review Hearings Board from rent review services in the Ministry of Housing.

Mr Grandmaître: Mr Chair, it does not say that this is a secondment, at least in my notes.

The Chair: But you applied for the job, Mr Loftus?

Mr Loftus: I applied for the job. I went through a panel, through an interview and was selected through a civil service competition.

Mr Grandmaître: Do you not think this is a little strange, though, your being seconded for one year or two years or what?

Mr Loftus: I understood that it is for one year. It is a developmental and I understood it was for one year.

Mr Grandmaître: I find this very strange. We have people applying for appointments in this province, a province of close to 10 million people. I am not pointing at you specifically, but I find it very strange that this government would have to second people to fill these appointments. I know the government is looking for experienced people to do a good job, but I find it very strange. This is not only for the Rent Review Hearings Board; it is happening in every ministry. I find it very strange that we are seconding civil servants to appointments. The first thing you know, these people will be writing themselves memos a year from now, after their secondment, answering their own

memos. I find this very strange. I am not trying to insult you, sir—I do not know you—but I find it very strange that the government would do so. What are your thoughts on the present bill?

Mr Loftus: What bill are you referring to, sir?

Mr Grandmaître: Bill 121.

Mr Loftus: I have no opinion, because it is a bill and as a civil servant I would not have any opinion on a bill. It is not law.

Mr Grandmaître: No opinion? I will pass for now.

Mr McLean: I guess the appeal cases that have been carried over from previous years—I think I understand why you are being appointed, and that is to get rid of some of this backlog. You are an individual who, I am sure, with your background and capability could sit in a hearing tomorrow and get rid of some of this backlog that is there. I think the reason you are being appointed is because of your experience—I am sure of that—and that is why your one year is being allowed.

Can you indicate for us or tell us if you feel that our backlog is being lowered enough? You want to do it more, I am sure. What do you think of the cases? I see the appeals withdrawn were 662 in 1990-91. Would that be because they felt they would not be able to get their increase? Why would those appeals be withdrawn?

Mr Loftus: I have no idea, because I do not deal with statistics. I am not in that position. I am a nominee at this point, so I have no idea as to—

Mr McLean: But you worked in a rent review office in Windsor, did you not?

Mr Loftus: I was in Windsor, yes.

Mr McLean: Would you not see those cross you desk in the Windsor area?

Mr Loftus: That was some time ago, in 1987.

Mr McLean: Oh, I see. You are working now in the ministry in Toronto?

Mr Loftus: No, I work in London, Ontario. I was with rent review services in the regional office in the southwest region for Ontario.

Mr McLean: How long have you been a civil servant?

Mr Loftus: Since 1987.

Mr McLean: Before that?

Mr Loftus: From 1976 to 1986 I was appointed by the government of the day by order in council.

Mr McLean: So you feel that as of tomorrow you could go and sit on a panel and make the adjustments that are necessary. I am sure you are qualified to do that. I do not have any further questions because I think, from what I have read here, you are qualified. I wish you luck.

Mr Loftus: Thank you.

Mr Carr: I have a couple of questions. Sometimes it is a little difficult, I know, blowing your own horn, if you will, but you seem to have a very impressive résumé. If you were to sum up what you feel are your strengths and qualifications for this and put all modesty aside, what would you feel would be your biggest attributes and strengths to be able to fill this position?

Mr Loftus: I have the ability to sit and listen to all parties present their evidence or their side of the story, take into consideration all the evidence and make sure everyone has an adequate opportunity to present their evidence and their stories to be able to judge on the basis of fairness. In the time frame that I held hearings throughout Ontario, that was one of the things I endeavoured to do consistently, to make sure that all parties had the opportunity to present their evidence and that they were aware of the circumstances and were given an opportunity during the hearing to present that.

Mr Carr: I think some of us members have probably sat in on some of the hearings in the course of our responsibilities. I did on one in particular. They get very technical and complicated. As a matter of fact, some of the people get very upset too, because they have waited for a long period of time to come in and have hearings. The one I was at kept getting postponed and so on. The people had to deal with some people who were very agitated and very excited, to say the least, in this case. What do you feel your qualifications will be to handle some of these difficult situations where people get rather upset, obviously because of the circumstances involved like this? How would you handle some of these situations that may arise?

Mr Loftus: First, I indicated that I would listen to the individuals. If they were having difficulties understanding the circumstances they found themselves in, if it was a technical question and they could not understand the jargon used, I would endeavour to make sure they were aware of what the technical aspect would be, briefly. If they understood, hopefully that would supply them with enough information to answer the question.

Because it is sometimes an emotional situation for people, I give them an opportunity to vent and to be able to take their time if they do not understand something. I make sure they understand the procedure and exactly that the province is there to listen—because I represent the province—to both sides, to give them the opportunity. In the past, I found that a quiet demeanour usually was the best method, not antagonizing anyone.

Mr Carr: The other thing associated with this is that a lot of people are intimidated by the whole process. I know people have tried to keep it very simple. What else do you think you can do to make it a little easier for people? Unfortunately, while when we put these things in place we want to have very simple procedures, they turn out to be very complex for people, almost as complex as court cases. As you know, we have consultants who come in to represent some of the groups and so on. It feels like the average citizen, unless he has been aware of it, finds it very difficult. Is there anything you think you can do in your own responsibility to simplify it for people so that

they feel they can be a little more aware of how it is happening? How would you see yourself handling that situation?

Mr Loftus: Again, ascertain what the concern is, and if I am able, if it is within my jurisdiction, try and have that person be made aware that he does have rights and that his rights are being protected at the hearing, so that he has an adequate opportunity to know what the issues are, and if he is not represented, that he can be represented, to make them aware of that. Information, I find, is number one for people in that circumstance.

Mr Carr: I have one last question. It is just with regard to your technical expertise. I have seen some of the material, which gets very complex when you have both sides presenting. Some of the paperwork alone can be stacked rather high. What do you feel your background is in terms of being able to get through some of the technical aspects and get to the bottom of a problem? What do you see as your greatest strengths to be able to do that?

1020

Mr Loftus: Again, it is communicating with the parties, ascertaining what the specific misunderstanding might be, going to the heart of the matter and assisting with information, but not assisting one side against the other, giving information to make the parties aware of what their rights and obligations would be. Both parties are there to present their evidence. I will assist them as far as I can, according to the legislation, if they do not understand a specific aspect, and make them aware of it.

Mr Carr: Good luck.

Mr McLean: Will you be paid by the Rent Review Hearings Board as you are seconded from the ministry or is your pay at the ministry going to continue, or will it stop and you will be on the rent review board totally?

Mr Loftus: As far as I understand it, I will be paid one cheque once by the Rent Review Hearings Board. When the secondment is complete, they will pay me. That is my understanding.

Mr McLean: Are you familiar with Bill 121 at all?

Mr Loftus: No. It is a bill that is going through changes and so forth, and it may change back and forth.

Mr McLean: That bill gives the civil servant who makes a decision total power, and there is no recourse for any individual to an independent tribunal after that. Do you think this is right or proper, that the final decision will be made by a person such as you with no recourse to any other tribunal?

Mr Loftus: I have no opinion because it is not a bill. As a civil servant, I have no opinion on that aspect.

Mr Ferguson: I have two questions. Sir, could you tell us why you are interested in this appointment as opposed to other appointments that have come up?

Mr Loftus: From January 1976 to December 31, 1986, it is something I enjoyed doing. I enjoyed meeting with people. I enjoyed getting out and being educated in the communities, meeting different groups of people from different parts of the province. It is a job I really like to do and it is an opportunity for my experience to be shared

back, the money that was invested in me, my training and so forth from 1976 to now. It is available and I am interested in the position. I enjoyed doing it.

Mr Ferguson: Have you ever been a member of a political party or have you ever made a contribution to a political party?

Mr Loftus: Yes, in the past I have.

Mr Callahan: Are you going to ask the next question?
Interjections.

Mr Callahan: I was going to ask the question Al did, but I understand you are seconded from the ministry to this position. I note you did it from January 1976 until December 1986. Can you explain why you went back from that position to administrator?

Mr Loftus: When the appointment expired December 31, 1986, I believe, I applied for the new program at that time which left the Residential Tenancy Commission and went in in 1987. I applied and won a competition at the time for the new program.

Mr Callahan: Which is the new program?

Mr Loftus: It was the Residential Rent Regulation Act, 1986. It started in January 1987.

Mr Callahan: So presently you are the administrator of the Residential Rent Regulation Act, is that correct?

Mr Loftus: Yes.

Mr Callahan: I guess what I am asking is, up to 1986 you were conducting public hearings either under rent review or the Statutory Powers Procedure Act. Why did you cease to do that and take on this other one?

Mr Loftus: Because my order in council had expired and I applied to be a civil servant in the new program. I went through a competition and won a position in the civil service.

Mr Callahan: So prior to December 1986 you were not a civil servant.

Mr Loftus: No, I was an order-in-council appointment from January 1976 to December 31, 1986.

Mr Callahan: And you were with the government of Canada as an auditor.

Mr Loftus: Yes, I was.

Mr Callahan: Was that a Governor General appointment?

Mr Loftus: No, that was as a public servant. I won a competition.

Mr Callahan: And you were with the Telegram.

Mr Loftus: Yes, I was.

Mr Callahan: We know what happened there, unfortunately.

Mr Loftus: That is why I became a public servant.

Mr Callahan: I cannot say I blame you.

I note you say you are presently attending the University of Western Ontario as a part-time student. How are you able to accomplish that?

Mr Loftus: Actually I am in a change to go to correspondence so that I will have more time to do that.

Mr Callahan: Obviously you are now attending personally, are you?

Mr Loftus: I was. I have stopped, while this process goes through, to go to correspondence, which is the preferred method, they have indicated, for somebody who needs the time.

Mr Callahan: I like your credentials, particularly your involvement with Big Brothers. They are probably, along with Big Sisters, one of the most important committees I can think of. I also like that you have attended the Institute for Mediation and Conflict Resolution. I think that is the wave of the future, how a lot of problems are going to be solved; if they cannot get before the courts, they will have to go there. Those are my questions.

The Chair: Anything further? That concludes your appearance here, Mr Loftus. We appreciate it and wish you well.

ARLENE SVARICH

The Chair: The next witness is Arlene Svarich. Welcome to the committee. Ms Svarich as well is an intended appointee as a member of the Rent Review Hearings Board. Your review was a decision of the official opposition.

Mr Grandmaitre: Again, here is another secondment, and I am very concerned. I know the Ministry of Housing is trying to improve the quality of its services by bringing about a faster resolution to, or solving of its hearings problems. I know they are well intended, but again I question the fact that they are seconding very qualified people from other ministries. I would like to ask the nominee, do you know who will be replacing you in the Ministry of the Attorney General? You are with the Attorney General right now, right?

Ms Svarich: I would like to clarify that. I was on a secondment until the end of December 1991 at the Ministry of the Attorney General and then I returned to my permanent civil service position with the Ministry of Housing at rent review services.

Mr Grandmaitre: So presently you are with the Ministry of Housing?

Ms Svarich: That is correct. That is where my permanent position lies.

Mr Grandmaitre: Will you be replaced? Will that position be replaced? Will they put another body in that position with the Ministry of Housing?

Ms Svarich: As far as I understand it, they are competing for that position. There is a competition process going on for that position, but I do not know who they will put in that position.

1030

Mr Grandmaitre: But you will be replaced.

Ms Svarich: If I am nominated or appointed as a member, there will be a replacement position for that time period I am an appointed member.

Mr Grandmaitre: Again, I simply do not agree with this musical chairs the Ministry of Housing is playing and with what it is trying to do. What are your thoughts?

The Chair: I do not want to take away from your time, Mr Grandmaître, but I want to advise the photographer not to do that sort of thing again. I would suggest that is inappropriate behaviour in the committee room. We do not mind you standing back there and taking photos, but I do not want you leaning across the members' desks to do it.

Mr Ferguson: It's okay at weddings, but not here.

The Chair: Sorry, Mr Grandmaître. Please go ahead.

Mr Grandmaître: What are your thoughts on Bill 121? Are you familiar with Bill 121?

Ms Svarich: I am aware that is proposed legislation, but I have no opinion on the particular piece of proposed legislation. If I am appointed adjudicator, I will be applying the existing legislation of the day.

Mr Grandmaître: But you have no thoughts whatsoever.

Ms Svarich: No personal opinion.

Mr Grandmaître: You have never read Bill 121?

Ms Svarich: I have reviewed briefly the second reading, but that is about it. I am not thoroughly familiar with Bill 121.

Mr Grandmaître: So you could not tell me if it was an improvement over the previous bill.

Ms Svarich: It is proposed legislation, and I do not have an opinion on that. I will be dealing with the Residential Rent Regulation Act and Bill 4.

Mr Callahan: I have to say I agree with my colleague in this particular application. Where are your skills in terms of a sound working knowledge of DOS going to be used in this new capacity you are seeking?

Ms Svarich: My skills?

Mr Callahan: Yes, in WordPerfect and Lotus and so on. Where will they be used?

Ms Svarich: As a member, I will be preparing orders and reasons. I have access to a personal computer and I will be typing in my orders and reasons on the personal computer.

Mr Callahan: I must say that your credentials in the role you are carrying out are probably essential to the government right now with the proposed increase in the monetary jurisdiction of the Small Claims Court to \$3,000. I think your expertise, considering the factor of the backlog we have in the court system, is also going to be of some significant value. I agree with Mr Grandmaître. I hate to say it, but I think the qualifications you presently have perhaps would be the reason I would vote against your confirmation. I think you should stay where you are and not have somebody compete for a position and then have to be trained all over again in this myriad of programs.

Ms Svarich: If I may just interject, I do have extensive experience in the rent review legislation. I was a rent review adviser for three years.

Mr Callahan: A rent review adviser with whom?

Ms Svarich: With the Ministry of Housing, for three years, as it indicates on my résumé.

Mr Callahan: Yes, but that was the former legislation.

Ms Svarich: It is the current legislation, the Residential Rent Regulation Act and Bill 4. That still exists and is in place at this time.

Mr Callahan: How did you do that and carry out this whole myriad of other things? You were at both of these things.

Ms Svarich: Both?

Mr Callahan: As I see it, your employment was as a planning officer, developmental assignment, courts administration, Ministry of the Attorney General, from April 1990 to date, and prior to that you were with rent review services. That is where you performed the services. Is that right?

Ms Svarich: Yes, that is correct.

Mr Callahan: I certainly think your qualifications are very significant and I hate to see them lost to a process or a situation now that may need it in an even greater capacity than the rent review process.

Ms Svarich: That position in courts administration, if I may just interject, was only a developmental assignment, and the assignment had ended as of December 31, 1991.

Mr Callahan: It may have been developmental, but you obviously learned a good deal about how to deal with these issues. Now that is going to be lost. I have no difficulty with people moving up in the process, but I think having to replace them, with the time and effort to get them up to speed with what you have in that regard—

Ms Svarich: I do not believe they will be lost. I feel the administrative experience I gained in providing administrative services to the courts will benefit me and the Ministry of Housing.

Mr Callahan: Well, I have said what I had to say. I agree with Mr Grandmaître. I think secondment for the benefit of simply opening up the space is not a good idea. I think it is spending tax dollars unwisely.

The Chair: As a brief follow-up to that, out of curiosity, is there a significant financial difference in terms of compensation from your current position to this position?

Ms Svarich: No, it is not very much at all. As far as I understand it, the salary range for this particular member's position is \$53,000 to \$65,000. With my permanent civil servant position, I was at the top of the range, and the increase is not that much.

The Chair: After the secondment, where do you see yourself going, back into this position or do you envision something else?

Ms Svarich: As far as I can see, I am entitled to return to my permanent civil servant position with the Ministry of Housing.

Mr McLean: How much more will you be making than what you are making now, \$5,000 or \$6,000?

Ms Svarich: No, approximately \$2,000.

Mr McLean: Okay, we might as well clear that up instead of having everybody suspecting it is maybe a lot more.

Ms Svarich: Approximately.

Mr McLean: The current system has been criticized by tenants as being too complex and many tenants do not feel comfortable having to make lengthy written submissions. They do not feel their concerns have been adequately addressed in the technical paper review of Bill 121. Can you tell me whether you feel that a tenant or a tenants' group should be represented by a lawyer, or do you feel they should be able to represent themselves?

Ms Svarich: Would this be under the existing legislation or the proposed?

Mr McLean: Either.

Ms Svarich: Under the existing legislation, there is an entitlement that the parties are able to be represented, so they do have that right. As an adjudicator, I would allow them to exercise that right if they wished.

Mr McLean: Do you not feel they should be able to represent themselves without having to hire a lawyer to represent them, to make a case for whatever it is?

Ms Svarich: In my own personal opinion, I do not disagree or agree, although I am aware there is the legislation that entitles them to the representative.

Mr McLean: The Ontario Municipal Board is the same. We are dealing with it, and it appears to me you have to have more legal people there all the time. That is not why the OMB was set up. It was supposed to be for the ordinary person, if he or she had a complaint, to be able to take it to the OMB without a whole lot of expense. I think there are tenants out there who feel much the same way. They would like to be able to do it without having to hire a lawyer. I wish our legislation was such that it would allow them to be able to make their points without legal—

Ms Svarich: They do have the opportunity to make their points and state their issues before the board. It is not a requirement that they obtain an agent or a legal representative.

1040

Mr McLean: One of the reasons the two of you are being added this morning is that there is no learning period. You will be able to go right in to do the hearings.

In 1990-91 there were over 1,400 cases that were dealt with. What do you feel would be an ordinary case load to be carrying? I have no idea, but 1,400 seems a lot. The question I would like to ask is, how many months' backlog is there now?

Ms Svarich: I am sorry, I do not have any knowledge of the backlog or the statistics or numbers. As an adjudicator, I would be assigned the files.

Mr McLean: So you are applying for a position you do not know anything about?

Ms Svarich: I did not say I did not know anything about the position. I am not aware of the numbers when it comes to the backlog. I was not involved in that type of work in my previous position.

Mr McLean: I find it strange that you would not know a little bit about what is going on with regard to rent review, what appeals there have been, and the reason you are being appointed.

Mr Ferguson: Mr Chair, let's be fair. I mean, I do not know the numbers of the backlog.

Mr McLean: You will get your turn when your turn comes.

Mr Ferguson: Do you know the numbers of the backlog, Mr McLean?

Mr McLean: You can wait until your turn comes.

The Chair: Mr Ferguson, the witness is perfectly capable of defending herself if necessary, and you will have an opportunity. Go ahead.

Mr Carr: How did you find out about the position? Did somebody come to you or were you aware of it?

Ms Svarich: The position was posted as an advertisement and I read the advertisement and applied.

Mr Carr: You have not been a member of a political party in the past?

Ms Svarich: No, I have not.

Mr Carr: You just saw it up as one of the regular postings?

Ms Svarich: Yes.

Mr Carr: Knowing the situation of what the position requires, what do you think are some of the strengths you would be able to bring? I know I looked on your résumé here at some of the qualifications, but essentially what are some of the things you think will be your biggest assets to bring to this position?

Ms Svarich: I have a great deal of experience in communication skills as a law clerk dealing with clients and working as a civil servant dealing with the public. As to my administration skills as a civil servant and as a law clerk with my legal background, I feel this is an opportunity to use that experience and tie it in with adjudication skills.

Mr Carr: Which law firm were you with?

Ms Svarich: R. L. and J. H. Webster. That was the private law firm I was with.

Mr Carr: That is how many members? It is a fairly small firm?

Ms Svarich: It is just a small firm.

Mr Carr: In terms of where you see yourself a couple of years from now, is there anything else you would like to do in terms of where you are heading in your career, or basically have you thought that far ahead, of what you would like to be doing down the road a little way?

Ms Svarich: Just carrying on and serving the people of Ontario. I do not know in the future what doors will be open, but at this time it is just being glad to serve the people of Ontario as a civil servant.

Mr Carr: Knowing the position, what are some of the challenges you see? What are some of the things you think are going to be the most difficult aspects of this particular position? Knowing the position like you do, where do you see some of the areas where there is going to be the greatest amount of challenge for yourself in particular? Is there any area?

Ms Svarich: If I do have difficulty in areas, in understanding some legal arguments, I have the opportunity to consult our legal department, if I do not understand any legal arguments. So there may be a difficulty there for me, but at least I will have an answer available to me.

Mr Carr: I take it that since you are applying for the position, you are in favour of the process of having these review hearings. As you know, when this was started up originally, there was supposed to be a situation that could be cleaned up very quickly. The basic theory was that if you had a disagreement you would go to the board and it would make a decision.

As we know, the backlog is at least 6,000, maybe more, and we are into a situation where the Ontario Municipal Board, on the same principle, is backed up 12 to 14 months. In our court system, we have, what, over 35,000 cases thrown out as a result. So everything we seem to put in, whether it is workers' compensation, the Ontario Municipal Board, the rent board or our courts, basically in the general public's eyes is not working now, because there is a backlog and there are waiting lists. Knowing the system, do you believe the rent review system is still the best way to go to resolve these difficulties?

Ms Svarich: I do not have a personal opinion as to the system. As a civil servant, it is the legislation before me and it is my responsibility to administer that legislation.

Mr Carr: I guess if you disagreed you would not have stayed in it, so presumably if you are working within the system—if you had a tremendous amount of disagreement you could have gone back to law clerk or something with your background.

With regard to how you are going to handle the situations that arise, I understand there is a tremendous amount of pressure with the position because you are like a judge. How do you think you will be able to handle some of the pressures? Regardless of what the decision is, you will affect people probably as significantly as some of the judges do. How do you think your capabilities are to handle that extreme pressure that may be placed on you? Do you think you will be able to handle that?

Ms Svarich: I think, given my background, I have good experience in dealing with the stress and pressure that may come along with it. As a law clerk in a small law firm, I appeared before a judge in Small Claims Court and judgement-debtor examinations, for example, and I am aware of the adjudication process and the stress that goes along with it. So I have ideas of how to control that stress.

Mr Carr: One last question. A lot of what we are talking about is technical material. As you know, particularly when you get lawyers involved, as we do now, they put together presentations that are very thick, very technical and it is a very complicated situation. Do you feel you have the capabilities technically to grasp the issues and be able, as a result, to make the proper decision?

Ms Svarich: Yes, I do.

Mr Ferguson: This applicant and the previous applicant, Mr Loftus, are obviously career civil servants. They are intelligent, bright, knowledgeable people who obviously are looking for a new challenge in life. Nobody is

suggesting these are blatant political appointments. However, I think those of us who have served in public life recognize that from time to time that inappropriate individuals are appointed at all levels, whether it be to federal boards or provincial boards or in fact even local boards. Nobody is suggesting that here.

What I want to put out is that these are not blatant political appointments. They are individuals who have decided to pursue a different career path in life and take a detour, and are looking for new challenges. What puzzles me is that the suggestion has been advanced that we should not appoint these people because they are going to leave a hole somewhere in the civil service. God forbid that the province of Ontario is going to come to a grinding halt if these two individuals are appointed to another position and a hole then has to be filled.

Quite simply, I think we all recognize that is not going to happen. This happens every day, not only in the public sector but in the private sector, where people move on to new challenges in life, create vacancies and individuals are appointed and take up the challenge the other individual left off. I do not see the rationale or the logic for not supporting somebody because you think they might leave a hole in the bureaucracy somewhere. I can see the rationale for not wanting to appoint someone who is a blatant political appointment, and the individual does not have any qualifications at all.

I know in the past some individuals have been appointed to the Ontario Municipal Board and the most they knew about the board was—in fact some of them probably thought the Ontario Municipal Board was a piece of wood the city owned. Clearly this is not the case. What we have here are bright, intelligent, and I would like to think fair-minded individuals who are going to act in the best interests of the citizens of this province. Surely, what more could we ask?

1050

The Chair: As Chair, I allow considerable latitude in terms of the discussions and comments in this committee. I think it makes it a little more interesting from time to time. Unless we are getting into character assassination or that sort of thing, I do not intervene. You still have time left. Is there any other member who wishes to—

Mr Marchese: If you will take statements, there is nothing unusual about secondments. Obviously we know that. Mr Grandmaître was saying that of course there are probably hundreds of people who love to serve and that, I am sure, is true. The point was that we all recognize there is a backlog. What we have here are interested individuals who have the experience and knowledge to deal with that. I would think we would support that, based on that simple point of view.

On that basis, we believe we are more interested in dealing with this issue as a way of moving on as opposed to having people who need the time to develop the experience to deal with that. That usually takes time, anywhere from six months to a year, until you acquire the knowledge and the experience to deal with it. On that basis, we have two people who will be able to help us with it.

Interjection.

The Chair: No, I have a speaking order here. We still have some time if any other member of the government party wishes to ask a question or make a comment at this time. There are three minutes remaining for the official opposition. Mr Callahan was the first to indicate.

Mr Callahan: I want to respond to what Mr Ferguson has said. I think I made it quite clear that this young lady's credentials are very good, excellent, but the difficulty is that in the final statement she said that after the period of her position is over she will return to the ministry. In the meantime you have hired another employee. If there is one thing the taxpayers of this province and this country are upset about it is the cost of government. You are just increasing the number of civil servants instead of perhaps trying, through attrition, not through firing—you people are going to rue the day very shortly where you are going to have massive firings or layoffs because the public is going to go bananas about the lack of revenues and the deficit. As a result of that, you are going to have to let people go who you supposedly support in terms of your political philosophy.

I caution you that by doing this, sure, this young lady has an opportunity to move up. I would not stop her from doing that. I think that is great. It shows a positive attitude on her part. But the fact is that unlike business, as Mr Ferguson says, after she finishes her secondment she comes back into the system. In the meantime you have hired somebody else.

I put this on the record so that one day I can show you that when you find yourselves in the position of having to let people go, and they are saying to you, "Hey, I thought you guys were in support of the workers and the unions, yet you have to let these people go," the answer will be that you did not plan properly now, particularly at a time when we are going to come in with a \$14-billion deficit, according to Floyd, and you are doing this. I have nothing bad to say about this young lady's qualifications. They are excellent. In fact, to lose her I think would be a real disadvantage, but the system about secondment where you replace that person and then that person comes back in again is like—what do they call it, arithmetic progression or is it geometric progression? Eventually you just run out of office space if nothing else. Maybe you should think about that.

Mr Marchese: Any more time?

The Chair: I am sure Ms Svarich is finding this very enlightening.

Mr Marchese: Of course.

The Chair: You have additional time, yes. Go ahead.

Mr Marchese: As a response, first of all, we do not know whether these two individuals will be replaced by others or whether the system will continue to function without them. That is something I am not certain about and perhaps—

Mr Callahan: She told us they are interviewing already. They are running a competition for her job.

Mr Marchese: I am sorry, is your position being filled by some other person?

Ms Svarich: As far as I understand it, there is a competition going on.

Mr Marchese: Okay, I was not here when she said that. In spite of that, that is not essentially the point. However, even if that is the case, you still need another person to fill this position. If you go outside, you have to hire someone. It is more or less the same thing. What Mr Callahan is saying is: "Don't worry about the backlog really. It is not an issue for me." What is an issue here is that you are hiring somebody and somebody else will have to be hired to replace her, versus are we dealing with this issue of backlog effectively by doing this—

Mr Callahan: On a point of privilege, Mr Chair: I did not say I am not concerned about the backlog at all.

Mr Marchese: By implication.

Mr Callahan: I am concerned about the increased deficit we are going to have.

Mr Marchese: By implication, when one speaks that way, we overlook what we are trying to deal with. What we are saying is that if you hire two people of experience, you deal with this, and by dealing with it we are all relieving ourselves of an enormous headache with constituents, with people who have to deal with the appeals system and so on. All the government members are benefiting by the system. I think we should reflect on that versus the focus Mr Callahan was putting when he said, "We are hiring this person and what does it mean when you have to hire somebody else, and look at the deficit." I do not know whether that is really the focus we should be looking at.

The Chair: I am sorry; the time is up. I think everyone has their positions on the record. Ms Svarich, good luck and we appreciate your appearance here this morning. I am sure you found it most interesting.

Can the clerk nod if the next witness is here or are you aware? No? While we are waiting for the clerk to determine whether the witness is here or not, for your information, everyone has a copy of the draft memorandum that David Pond has prepared in response to the memo from the executive assistant to the Minister of Health. Dave, do you want to make a comment on it.

Mr Pond: I have submitted that to the clerk who is officially responsible for the paper flow. I doubt very much whether he has had the time to draft that up and circulate it to the members. I think the Chair is the only one who has seen it.

The Chair: I thought it was circulated. I am sorry.

Mr Pond: I may be wrong about that.

The Chair: I thought he was circulating it earlier. My apologies if that is not the case. In any event, I think it is a fine response. It is a clarification with respect to what we discussed yesterday and I see nothing wrong with the clerk sending this back to the ministry. If anyone wants to take a look at this, if you have any problems with it, just let me know.

On the other matter, Doug is looking for our witness, I just want to put on the record my compliments to our researcher with respect to preparing us for this week. It was very short notice. He prepared a significant number of

research documents for us and did an outstanding job, as always. David, our thanks.

Now we will look to the clerk for advice. We are going to have a 10-minute break and hopefully enough people will hang around so we can get a quorum.

The committee recessed at 1059.

1117

ANDRE ROSENBAUM

The Chair: We will come back to order, please. Our witness is the late Mr Rosenbaum. Mr Rosenbaum, would you like to come forward, please.

Mr Ruprecht: Did you say "the late Mr Rosenbaum," or "Mr Rosenbaum is late"?

The Chair: Oh, I am sorry. Mr Rosenbaum, welcome to the committee.

Mr Rosenbaum: Thank you.

The Chair: The agenda indicates Mr Rosenbaum is an intended appointee as vice-chair of the Ontario Film Development Corp. This, again, is a half-hour review. Mr Rosenbaum was chosen for review by the Conservative Party and I am going to look to Mr McLean to begin asking questions.

Mr McLean: The Ontario Film Development Corp: How many years has it been in existence?

Mr Rosenbaum: I believe it was started in 1985 or 1986; I am not quite sure. I was away in 1987-88. It was 1985 or 1986, somewhere around there.

Mr McLean: The production budgets in Ontario total about \$90 million. Where is that money coming from?

Mr Rosenbaum: It comes from private investors, Telefilm Canada, joint projects, the Ontario film investment program, companies in the non-theatrical department, various corporations that ask that films be made on their behalf for either educational or industrial purposes, and then the commercial films, television, certain of the networks and some of the co-productions with other jurisdictions as well. Primarily, OFDC and Telefilm play a major role in funding both theatrical and non-theatrical production in this province.

Mr McLean: Has the increased production taken place according to what you anticipated? I presume you are involved in the industry, are you not? Give me your background.

1120

Mr Rosenbaum: My background is that I am involved in the industry sort of on the periphery, I suppose the expression is. I worked for years at the film festival. I was one of the administrators of the festival under Wayne Clarkson, and I had, throughout, an interest in film. If you look at my background, it is also as a lawyer. I did my training as a lawyer and I practised law for five years. Then I got out of lawyering and went into the restaurant business. I have two restaurants here in Toronto. One of them is kind of a club as well, so I am involved, within the confines of the club, in the film program. We have an association called the Macadamians which programs films there.

I have an interest as an amateur in film and how films are made and in attending them. I have worked with film and filmmakers through the festival. Since 1988, I have been on the board of the OFDC, but I am not actually in the film industry, in the sense that I have never had a film made or been involved—actually I was involved in the production of one film. I helped a friend years ago in a film called *That's My Baby* and was somewhat involved, but I am not really in the film business per se.

Mr McLean: What is the reason you applied for this position?

Mr Rosenbaum: I did not apply for this position. I have been on the board, as I said, and this board is now undergoing quite dramatic change.

Mr McLean: So this is just being appointed the vice-chair.

Mr Rosenbaum: Yes, I am just being appointed vice-chair. Probably one of the reasons is that I am one of the veterans on the board. We have eight new members coming on this year and three came on last year. There are maybe three or four of us who have any longevity. I have an idea of how the board has been functioning.

Also, the whole administration has changed. Last year we lost our CEO and chairman, Wayne Clarkson, so we have a new chairman in Diane Chabot and a new CEO in Paul Gratton. So I guess there is an element of trying to bring about a bridging and a continuity between the two boards that predate this change and the existing one.

Mr McLean: Has the production of film in Toronto increased?

Mr Rosenbaum: I think the budgetary demands have increased. I think production is down this year. Again, I am giving you my impression from my—I feel I bridge various communities. From the entrepreneurial side of things, I am a businessman, but I am a businessman very steeped in the arts and cultural community, especially through the Rivoli. I have dealings with all kinds of people in the film industry and so on.

From what I hear from the people on the street, which is where I get most of my information in terms of filmmaking and what is happening in the industry, I think the film industry is really in bad shape in Ontario right now. It is simply a function of the recession. There is not the money available, primarily from private investors, to get films done. Most of the people I know, from actors to directors to cinematographers to people who work on sets, are having to take on waitering jobs and taxi jobs and things like that. That is what tells me the industry is in deep trouble.

People are still approaching the OFDC and Telefilm for funds. What is interesting is that we are getting a larger company like Alliance as well coming to us. Years ago they were able to find their funding strictly through private investment.

Mr McLean: In March 1991, the then minister, who is sitting here today, announced a program for \$28.7 million. Has that money been used up? It was over a two-year period, but is all of that money going to be used?

Mr Rosenbaum: The intention is that it be used up. In fact, as I said, it is not enough. We are getting more requests for involvement of the OFDC and for a larger percentage of the budget, because what has dried up is the private investment, the private sources, whether they be banks or other people—accountants, lawyers, dentists—who used to invest in films for tax havens. That is drying up, so the demands are much greater on the OFDC. However, to the extent that the films get realized, that is a large problem because of the situation.

Mr McLean: One final question: They are doing some redesigning of the corner over here at Wellesley and Bay where they were going to put the opera house. Would that new facility be used as part of the making of film?

Mr Rosenbaum: Could it be used?

Mr McLean: Yes.

Mr Rosenbaum: In what sense?

Mr McLean: In developing films of any kind, or—not likely.

Mr Rosenbaum: I do not know what—

Mr McLean: I am not either. I just asked a question, but—

Mr Marchese: I do not think so.

Mr Rosenbaum: I have no idea.

Mr Callahan: Eddie Black is going to have a store there. He will be developing the film.

Mr McLean: I will pass for now, Mr Chair.

Mr Carr: How did you find out about the position, again?

Mr Rosenbaum: I was asked by the chair, Diane Chabot, if I would be interested.

Mr Carr: So they came to you.

Mr Rosenbaum: They came to me as an existing board member.

Mr Carr: So you do not have any political affiliations to any government?

Mr Rosenbaum: No. I was actually appointed to the board under the Peterson government.

Mr Carr: I thought he had a red tie on when he came in today. Thanks very much.

Mr Callahan: Is Donald MacDonald a Liberal appointee?

Mr Marchese: A few questions, Mr Rosenbaum. My first has to do with trying to get you to talk about what you think the economic and cultural benefits of the film industry are. In my past life I had a difficult time convincing a lot of people about the cultural and economic benefits of the film industry to Ontarians and Canada. Could you comment on that?

Mr Rosenbaum: As far as the cultural benefits are concerned, I think in a funny way they are more important than the economic benefits, simply because I think the film industry helps create an identity in Canada. It is a mirror on ourselves. In fact, the way I see Canadian film emerging and standing on its own is not by imitating American cinema. I think that is part of the problem we are facing in

many facets of Canadian life, that we are becoming a bit carbon copies of our southern neighbours.

The kind of films I find very interesting that are now coming out of the OFDC are films like *Mississippi Masala*, *Talk 16* and *Sam and Me*, which basically examine the very cultural mosaic nature of Canadian life. They examine, I guess, Canadians' own obsession with looking at themselves and analysing themselves, which I think is a very interesting and worthwhile aspect to project on a screen in terms of showing the world how Canadians think and act. I think a strong culture is a foundation and a foundation stone for a strong nation and a strong province which will assist them in undergoing and passing through difficult times, as we are in now. I think if you undermine the cultural identity you will find that everything else crumbles around it.

As far as the economic concerns go, as I was mentioning before, I see myriad people, armies of people around my neighbourhood who are now unemployed because of the falling film industry, because of the inability to get financing for films. These are extremely talented, creative, productive people who would make us proud culturally as well. That is where it ties in. They have the cultural contribution to make, and in making a cultural contribution they obviously help the economy of the province through the millions of dollars that are invested in films, by going to restaurants, to the extent that people do that, by going to stores. Their purchasing power is increased. And there are many people who can work in the film industry, so I believe it has a tremendous economic impact. I think it is a very important industry. It is an industry that has lots of—I am trying to think of the word.

Mr Marchese: Spinoffs.

Mr Rosenbaum: Spinoffs; that is the word. Thank you.

Mr Marchese: Can you talk about what would have happened to the film industry had the government not provided the support it did, the \$30 million over the two-year period? What would have happened to the industry?

1130

Mr Rosenbaum: I think to the extent that we have any industry now, it is largely due to both OFDC and Telefilm participation. I think it would have dried up completely. Again, as I say, I think as a province we would have lost a mirror of ourselves, and from the economic point of view we would have lost a tremendous amount of stimulus that is there largely due to these programs, to OFIP and to OFDC funding in general.

Mr Marchese: Let me ask you another question that is of particular interest to me, because I have met a number of filmmakers here and there who often complain they are not getting an adequate chance to access money from the OFDC. There are charges that a lot of the money is already committed to well-known filmmakers and that many are excluded. Some wonder whether it is racially connected or culturally connected or otherwise. Do you have a view?

Mr Rosenbaum: My sense is that this is not the case, again, even by some of the films I have mentioned. In fact, I think the OFDC bends over backwards to be open to new

filmmakers and to give them opportunities to approach—I think it is a very approachable agency. I think that is the strength of the OFDC. I think it is an agency that has been run extremely effectively and openly. Again, on a social level, in my dealings with filmmakers and people in the film industry, they much prefer the way the OFDC operates to the way Telefilm operates to some degree, in the sense of accessibility and approachability. I think the OFDC, part of it, very much also looks for subjects dealing with minority groups and visible minorities that reflect the cultural and social conditions in Ontario.

Mr Marchese: As a last question, are there any goals or visions or objectives that you want to accomplish in your term as vice-chair? If so, what are they?

Mr Rosenbaum: I do not think as vice-chair my role will impact much more than it has now. I would simply like to see it continue in its process, remaining open to young filmmakers. I think it is important that it be a source of funding for filmmakers with very worthwhile messages who otherwise might not get their films made. Basically, I really think it is important to maintain an independent Ontario film industry for the sake of this province. That is where the OFDC's role stands. I think it is a safeguard against having NBC's and CBS's and ABC's Monday night movies being the only thing made in Ontario.

Mr Frankford: Have you had the opportunity or do you think you will have the opportunity of speaking up around free trade issues and making the case that culture is something that should not be part of that?

Mr Rosenbaum: I feel very strongly that it should not be a part. I do not know about speaking up or not, but certainly my sentiments are very strong in terms of not only preserving but husbanding the Canadian and Ontario culture. I think it is very distinct. I think that is our richness, that is our wealth. I think to dilute it would be a travesty.

Mr Callahan: Are you involved with finding funding for filmmakers in Ontario?

Mr Rosenbaum: Personally?

Mr Callahan: Yes.

Mr Rosenbaum: No.

Mr Callahan: No, the board, the corporation.

Mr Rosenbaum: We are not involved in finding funding for them. We have a budget that is given to us to distribute among applicants who come to the OFDC for funding. They are responsible for finding a large part of their own funding, and we usually see them through to about 40% of their budget, or sometimes less. But we give them the funding; we do not find it for them.

Mr Callahan: I see. Have you got all that back on each occasion?

Mr Rosenbaum: No. I do not have the figures; there have been some returns. We try to take an equity position in the films, and some of them we have done all right in; with others we have not. I think the return is not the primary attitude, although it is a very important aspect. We look for distribution agreements, for television possibilities, and if they are non-theatrical, we look for venues

where they will be shown and there is some chance the film will make a return.

Mr Callahan: I note that you "organize support for distribution companies through sales initiatives at the major international film festivals and venues."

Mr Rosenbaum: Right. That is the sales and distribution.

Mr Callahan: You also assisted with \$10.5 million in export sales of feature films. Did you ever hear of a film called *Night Heat*?

Mr Rosenbaum: Yes, the television show *Night Heat*.

Mr Callahan: Did you people have anything to do with *Night Heat*?

Mr Rosenbaum: I am not sure if we did or not.

Mr Callahan: The reason the Ontario film industry is having difficulties, I am told—I do not know whether this is correct—is that there was a tax advantage set up for investing in Canadian films, and then when it came time to pick up the royalties or to negotiate the proper royalty contracts so that people got their money back, it did not happen. *Night Heat* is a major attraction on US channels and so on, and people who invested in that are getting very little, if anything.

Mr Rosenbaum: I think there was certainly a major problem in the late 1970s and early 1980s with the tax write-offs and a lot of the producers, many fly-by-nighters, if I can use the expression, who came along and used the opportunity to raise all kinds of money which was then lost, and nobody got much return.

We have a legal department at the OFDC. We try to have agreements in place with film guarantors in terms that the film will get made. Once we put the money in, there is a film guarantor and various agreements about our equity position in terms of when we will get paid and so forth. Through the staff at OFDC, we administer fairly seriously the overall returns and sales and so forth, and that is part of the agreements we make with the films we invest in, that they open their books to us and that we know where we stand.

Mr Callahan: There were quite a few that were disappointments, films that made a lot of money for somebody, and if OFDC was involved as a party to these, I find it very unfortunate that there was not a greater policing activity that took place to ensure that those investors were not being hoodwinked.

Mr Rosenbaum: I know we were involved in *I've Heard the Mermaids Singing*, which brought a return. We got a nice return out of that.

Mr Callahan: There was one, *The Hitchhiker*, which—

Mr Rosenbaum: There was *A Winter Tan*; also *Road Kill* and now *Highway 61*. I know there was a time where a lot of producers were not paying back their investors, but I really do not know if OFDC has been involved or caught in any of these major blockbusters where they did not get any money. I do not know of any such situation.

Mr Callahan: Does the OFDC take any sort of proactive approach to protecting those investors?

Mr Rosenbaum: No. They take a proactive approach to protect their own investment.

Mr Callahan: Protect their own investment?

Mr Rosenbaum: Yes, the OFDC's investment.

Mr Callahan: The reason I find that interesting is that the purpose of this body was to enhance, to encourage, to give confidence to Canadian films, and yet if you do not take a proactive role in terms of policing so that investors are not being hoodwinked—

Mr Rosenbaum: I do not know if it is part of their terms of reference that they can actually police, but I assume that in protecting their own investment, at the same time, they are protecting the other investors. I think it would be very difficult for a producer to get away with very much if the OFDC was monitoring its own investment very assiduously.

1140

Mr Callahan: Are they the first ones to be paid out of the initial budget?

Mr Rosenbaum: It all depends on the agreement. Sometimes the producers and certain people in the film do a situation where they do not pay themselves. For example, because the OFDC is very often involved with very young filmmakers or screenwriters or filmmakers who are doing their first film, they very often will not pay themselves initially from the budget. What they will do is wait until the returns come in to pay themselves. They may get the first payment. But the OFDC, usually with Telefilm, puts itself in an equity position so that it is, after certain expenses, paid back out of royalties and revenue.

Mr Callahan: If you are vice-chairman, you are going to have somewhat of an influence on what this body does. If they wish to maintain whatever market we have now and build some credibility into the system, they had better start looking at more than just their own equity position. They had better be looking at the contracts that are signed and the protections that are offered to investors, because that is where the bulk of your money is going to come from. If you get scenarios where they market and remarket this product in the United States and in Europe and all over the world and do not bother to collect because they have poor agreements on the royalties, or do collect it but somehow it goes up in smoke, you are not going to have many people who are going to be too sympathetic about investing in any film industry.

Mr Rosenbaum: I agree with you. I think probably if you know the OFDC has invested in a film, as I say, because of its monitoring facilities, you have somewhat of an umbrella. Again, I am not quite sure of the terms of reference of the OFDC in actually policing other people's investments in a production, but it is certainly a more secure bet to go into an OFDC-type production than to go into a production where there is no OFDC involvement.

Mr Callahan: I am not sure I would necessarily agree with that following logically. The fact that they get funding

from your organization does not necessarily mean they are a good risk.

Mr Rosenbaum: It is not that they are a good risk; you misunderstand me. They may be a bad risk in the sense that the film will not succeed. It may fall flat on its face.

Mr Callahan: I am not talking about—

Mr Rosenbaum: Right. But the ones that do succeed, to the extent that OFDC has contractual agreements with the producers and in terms of payouts, before their final payout they have to provide a print and they have to show distribution agreements and they have to meet all kinds of preconditions before they get their moneys. Afterwards the OFDC has rights to determine what the payouts have been, as an investor, if you have an outside body like the OFDC looking into it, I think you are better protected than not having any outside body looking at the books.

Mr Grandmaitre: With your vast experience and your interest in the arts, have you had a chance to compare Ontario's efforts in filmmaking and in the arts as compared to other provinces? Where would you say Ontario stands on a one to ten scale?

Mr Rosenbaum: I have never actively sat down to compare. I will give you what will be really an off-the-cuff response to your question. I think Quebec's film industry is probably the strongest because it is the most culturally cohesive and has been for a long time. It is probably the oldest provincial film industry, as such, in terms of its own identity.

Mr Grandmaitre: What would their budget be? Do you know?

Mr Rosenbaum: No, I do not. Certainly I think it is a sizeable budget and has been actively pursued by the Quebec government over the years. Quebec culture has been the mainstay of provincial politics in Quebec, and it shows in the product that has emerged. So I think that of all the provincial film industries, Quebec's is definitely the strongest in the sense that it has the strongest cultural identity and probably services its market the best. I think Quebecers will go to see Quebec films and see themselves reflected in their films.

After that, Ontario and BC are probably neck and neck in second place in terms of locations. There are two sides to the film industry here. There is one of the Ontario film cultural productions and there is the other side of locations. Part of the OFDC is the locations department, where we try to encourage Americans and Europeans and the Far East to come and make their films in Toronto, northern Ontario, Ottawa or whatever as locations and thus generate greater revenues in the economy. In that sense, Ontario has been very successful. I think probably as a location finder, bringing outside companies to shoot in Ontario, it is probably number one.

Mr McLean: Could I have a short question, Mr Chair? I think I have a minute and a half.

The Chair: Yes, you do have a minute and a half; you are right.

Mr McLean: It is really for my information. I have a young individual in my area who is very musically inclined. He has written songs and he has done some tapes. Where would he go to get some funding to help him advance his career?

Mr Rosenbaum: Do you mean in the music industry?

Mr McLean: Yes.

Mr Rosenbaum: Do you mean a government agency?

Mr McLean: Yes.

Mr Rosenbaum: I do not know. Maybe he could go to TVOntario or the CBC in terms of trying to get some backing for doing something related to television or radio access, but I do not know where he would get actual funding. I think the film industry is much larger. It does not involve one person, and that is the difference; it is a cultural industry.

Mr McLean: I just thought, with your knowledge, I would ask you. Thank you. I wish you all the best.

The Chair: Thank you, Mr Rosenbaum. That concludes the question and answer period. We appreciate your being here today and wish you well.

Mr Rosenbaum: Thank you.

The Chair: Members, the next two witnesses, Katherine Govier and Rosemary Cartwright, are unable to be here today and we are going to reschedule them for, hopefully, April 15. If we cannot get a meeting set up for that date, we are going to fall outside the standing order references with respect to the time we have to do a review, so they

will automatically be passed through the system. But with the cooperation of the House leaders, hopefully we are going to have a meeting on the 15th so we can deal with those two appointments and others.

The final piece of business today will require either one motion or individual motions in respect of concurring in the appointment of the individuals who appeared before us today.

Mr Marchese moves concurrence for all three individuals who were reviewed by the committee this morning.

Is there any objection to doing them as a group? Hearing none, any discussion on the motion? All in favour? Opposed?

Motion agreed to.

The Chair: At the first opportunity to defeat it, they let it go. There was a precedent-setting opportunity. That concludes our business for the day, unless there is anything any member wants to raise at this juncture.

Mr Ferguson: Mr Chair, this side of the room would just like to commend you on the fair and impartial manner in which you have conducted this meeting. We were thinking of chipping in and buying you a template that you could put on your desk in the House. It seems to have a somewhat calming effect on you.

The Chair: I do not know if we want this on the record.

The committee adjourned at 1150.

CONTENTS

Wednesday 25 March 1992

| | |
|--------------------------------------|-------|
| Appointments review | A-955 |
| Paul A. Loftus | A-955 |
| Arlene Svarich | A-957 |
| Andre Rosenbaum | A-962 |

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